REPORT

ON

CIVIL AND CRIMINAL JUSTICE

IN

BRITISH BURMA

For 1872.

Rangoon:

PRINTED AT THE GOVERNMENT PRESS.

1873.

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RESOLUTION

ON THE

REPORT ON CIVIL AND CRIMINAL JUSTICE

IN

BRITISH BURMA,

For 1872.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—dated Rangoon, the 6th November 1873.

READ the following reports on the administration of Civil and Criminal justice in British Burma for 1872 :—

The Report of the Recorder of Rangoon.
The Report of the Judicial Commissioner, British Burma.
The Report of the First Judge of the Court of Small Causes, Rangoon.
The Report of the Town Magistrate of Rangoon.

Courts exercising Jurisdiction in the Town of Rangoon.

A.—CIVIL.

Decrease in the number of suits instituted in the Recorder's Court.

RESOLUTION—In the Court of the Recorder of Rangoon the number of civil suits instituted in 1870 numbered 1,238, in 1871 their number was 598, and in 1872 the number has been 449. The value of the suits in 1872 was Rs. 6,79,881, against Rs. 5,95,483 the previous year. The great decrease in the number of cases instituted in 1871, as compared with the previous year, was considered by the Recorder to be due to the greater commercial prosperity during that year. The same cause was in operation during 1872, and may account for the diminished numbers who had recourse to the court; but it would appear that there was a decrease of 93 regular suits and 56 miscellaneous suits.

Increase in the number of suits instituted in the Court of Small Causes.

2. In the Court of Small Causes, Rangoon, the number of regular suits instituted increased from 3,322 to 3,535, and the miscellaneous cases from 2,154 to 2,446. The total number of cases for disposal, including

those pending from the previous year, was 6,111, and the number disposed of in 1872 was 5,914, as compared with 5,550 cases during 1871. The value of the suits, however, remained almost stationary, being Rs. 2,73,813 in 1872 and Rs. 2,73,166 in 1871.

B.—CRIMINAL.

Criminal work of Recorder's Court much the same as in the previous year.

3. The criminal work of the Recorder's Court was the same during each of the years of comparison. In 1872 there were 39 sessions' trials, and in 1871 the trials numbered 38. The appeals from lower courts were 14 in 1872 and 16 in 1871. Of 55 persons brought to trial before the Recorder, 35 persons were convicted.

Increase in the number of offences reported to the Town Magistrate.

4. The returns of the Town Magistrate of Rangoon show that in 1871 the number of non-bailable and bailable offences reported during the year was 2,585, as compared with 3,500 in 1870, and in 1872 the number has risen to 3,610. This apparently violent oscillation of crime is due to the increase and decrease of petty misdemeanours as will be shown by the following statement:—

Number of offences reported.

		Non-bailable.	Bailable.	Total.
1870	...	711	2,789	3,500
1871	...	409	2,176	2,585
1872	...	522	3,088	3,610

Causes of increase in non-bailable offences.

5. Non-bailable offences have increased by 113 cases and bailable offences by 912 cases. In the former class of offences the increase is in cases of theft and possession of stolen property. In the latter, the increase is mainly in insult and assault cases from 803 to 1,288, and breaches of Lock Hospital, of Cantonment, and of Municipal Rules, from 254 to 487. The Assistant Magistrate very properly remarks on the very large number of cases of assault and insult which are not persevered with by the complainant; the result being, that of 1,992 persons charged with those offences, only 281 were convicted, a great many cases being compromised out of court. The Assistant Magistrate remarks that it appears to him that in very many instances complaints are brought under these sections on the very slightest grounds, not with a view to punish the offenders for the offence complained of, but through fear of a criminal charge to compel or induce payments of

debts without the expense of having recourse to civil courts. These remarks only show more clearly the necessity of Magistrates exercising a wiser discretion before the issue of process in complying with the requirements of Section 144 of the Code of Criminal Procedure. The fees which have lately become leviable for the service of criminal processes will doubtless have some effect; but something more than that is needed, when it is seen, as in the returns for the Town of Rangoon, that 1,700 persons were needlessly summoned to attend the court of the Assistant Magistrate as defendants on the two charges of assault and insult.

The Burma Courts Act appears to have worked satisfactorily, and there is no immediate necessity for a fully constituted Chief Court for the Province.

6. In regard to the late Recorder's remarks on the working of the Burma Courts Act, the Chief Commissioner thinks it right to state that, as far as he can learn whatever theoretical objections there may be to the Act, it has not worked unsatisfactorily in practice. No doubt Mr. Housman's view was that no judicial system was really satisfactory which does not provide a fully constituted Chief Court for the Province. But there is hardly any necessity for such a Court immediately, and in the meantime the New Burma Courts Act is a great improvement on the former law. The omissions noticed by the Recorder were most of them equally omitted from the old law. In regard to paragraph 22, the Chief Commissioner held that the Recorder was the proper channel for communication with the Small Cause Court; but the Recorder was of opinion that he had no powers of superintendence or supervision.

Courts under the Supervision of the Judicial Commissioner.

A.—CIVIL.

Concurs with the Judicial Commissioner in thinking that it is too soon to judge of the result of the changes effected by the Burma Courts Act.

7. The Judicial Commissioner notices the introduction, during the year under review, of the various changes effected in the constitution and character of the courts of the province, by the provisions of the Burma Courts Act; but the Chief Commissioner concurs in thinking it is too soon to judge of the result of the changes.

Decrease in litigation is no matter of regret.

8. In regard to the total litigation in the province, it would appear that the total number of suits instituted during the year under review was 21,236, or 832 less than the number instituted during 1871. The decrease is certainly no matter of regret, unless there is any reason to suspect that the people are dissatisfied with the courts. This, however, the small proportion of appeals shows not to be the case. It is very difficult to know what may be considered a normal amount of litigation for any given population, and it is not very certain how far varying conditions of society, such as a general possession of means, or a general state of poverty, go to swell or diminish the amount of litigation.

British Burma compared with other provinces as to the proportion which civil litigation holds to the population.

9. A ready recourse to the law courts is sometimes said to be a sign of the advancement of the people, while on the other hand it is sometimes held to betoken a discontented and ill-adjusted condition of the population. However that may be, it is interesting to see how British Burma stands when compared with other provinces in the proportion which civil litigation holds to the population. In British Burma the number of civil suits instituted equals 1 suit to 130 of the population; in the Punjab the proportion is 1 suit to 95 of the population; in the Central Provinces 1 to 105; in Oudh 1 to 327.

Value and nature of litigation.

10. The total value of the subject-matters of litigation throughout the province was a little less than £160,000,—about £20,000 less than the value in 1871. More than half the litigation was on account of money due on contract, and about one-twentieth only was connected with immovable property. Out of 20,719 suits disposed of by the courts, 17,658 were suits valued at sums not exceeding Rs. 100, and nearly one-half the total number of suits were valued at sums not exceeding Rs. 20. Twenty-seven per cent. of the cases brought on the files were disposed of without passing a decree, and the proportion of suits decided after contest in court was 40 per cent. Of these 70 per cent. were decided in favour of the plaintiff—this, as the Judicial Commissioner remarks, may be considered satisfactory, as indicating that in the large majority of cases the aid of the court was not sought without good reason. There were 14,872 decrees passed by the courts, and only 5,326 applications for execution. The Chief Commissioner agrees with

the Judicial Commissioner in thinking that this may be held to show that the defeated party submits to the decision and satisfies the decree without the necessity for any coercive process. Then, again, the large proportion (56 per cent.) of applications, which resulted in the complete satisfaction of the decrees, shows very favourably when compared with the averages in other provinces, and the Judicial Commissioner explains that although the total number of persons returned under the head of "Imprisonment of person" seems large, but a small proportion of the persons for whose imprisonment warrants issued were actually thrown into prison. The subject of providing sufficient means for the proper custody of civil prisoners is one which has attracted the attention of the Chief Commissioner, and steps are now being taken to supply the deficiencies which have been found to exist.

Satisfactory to find what a small number of appeals have been preferred from the decisions of the lower courts.

11. It appears that of 10,421 appealable decrees which were passed during the year, 1,195, or 11 per cent., appeals were preferred, which shows, as remarked by the Judicial Commissioner, that the people are contented generally to accept the decisions of the lower courts, and this is the more satisfactory when it is considered that of these 10,421 appealable decrees, 9,405 were passed by the Extra Assistant Commissioners, who are all natives of the country.

B.—CRIMINAL.

Decrease in the number of non-bailable offences and slight increase in the number of bailable offences.

12. In regard to the criminal work of the courts subordinate to the Judicial Commissioner, it appears that the total number of non-bailable offences reported during the year decreased from 9,170 to 8,121, or 11 per cent., and the bailable offences slightly increased from 15,802 to 15,928. The decrease, therefore, is very material in the most heinous class of offences. Unfortunately, while the number of offences reported are given separately as "non-bailable" and "bailable," the persons arrested and convicted for these offences are clubbed together, and only the general result is stated, and the proportion convicted is given as 52 per cent. This would not be a favourable proportion in regard to non-bailable offences, and is apparent that the low average is due to the number of acquittals in the bailable or petty offences. From the police returns we find that, as regards "cognizable offences,"—and they include a more numerous class of offences

than those styled non-bailable,—the proportion of persons convicted to those put on their trial was 77 per cent., and from the judicial returns it is evident that the disposal of bailable offences is far from favourable. Thus, of 15,928 bailable offences, no less than 7,254 consisted of assault and insult. As concerned in these offences, 11,292 persons were brought to trial, and of these only 3,315, or 29 per cent., were convicted. This altogether vitiates a general average taken on the total offences which have come before the courts.

Decrease in bailable offences in Moulmein attributed to summons being refused to some extent in petty cases of assault and insult.

13. The Judicial Commissioner, remarking on the decrease of bailable offences in the court of the Magistrate of the Town of Moulmein, who attributes it to summons being refused to some extent in trumpery and petty cases of assault, writes, "that complaints "of petty offences, such as mischief, criminal trespass, insult, and "assault are as often as not groundless, and occupy unneces-"sarily the attention of the courts," and the statistics which have just been given of the disposal of the alleged cases of assault and insult, fully bear out this conclusion. A similar state of things was found in the court of the Assistant Magistrate of Rangoon. From that court 1,700 persons were fruitlessly summoned for these two offences, and in the other courts of the province 7,977 were summoned to the courts for the same offences, with the same infructuous result. Allowing two witnesses for each case, it may be estimated that 29,000 processes issued from the courts in regard to cases of "assault" and "insult," which never came to trial at all, or ended adversely to the complainant. Some proportion of these cases may have been right and proper subjects for magisterial disposal, but doubtless a more careful enquiry before the issue of summons would have saved a great deal of annoyance to a large number of people.

Number of persons brought to trial

14. The number of persons brought to trial for all classes of offences was 37,651. Of these 24,440 were tried by Subordinate Magistrates; 10,088 by Full Power Magistrates, and 3,123 by Magistrates of Districts. As to the punishments inflicted, 309 were sentenced to simple imprisonment; 4,991 to rigorous imprisonment; and 14,747 to fine: 361 were awarded whipping, and 871 were required to give security to keep the peace, or for good behaviour.

Large proportion of persons sentenced by the subordinate magistracy to fines instead of to imprisonment.

15. In regard to the levy of fines, the Judicial Commissioner makes some useful and interesting observations. He remarks that while 2,300 persons were sentenced to imprisonment by the subordinate magistracy, four times that number were sentenced to fine. There is no doubt that the distance of many of the out-stations from the divisional or district jail makes a fine a more suitable punishment than a sentence of imprisonment for a short period; but to the Burman mind a fine would intuitively recommend itself as ordinarily the better punishment where the alternative of fine or imprisonment is allowed. Under their own Criminal Code almost every crime can be condoned by payment. It is so very largely under the Indian Penal Code; but in practice the Burmese Courts use the punishment of fine even in heinous offences, whereas in English Courts imprisonment is traditionally associated with certain crimes. The Judicial Commissioner remarks that it is not uncommon, in the case of offences punishable with fine only, to impose a heavy fine beyond the means of the offender with the view, it is apprehended, that the offender should undergo the period of imprisonment which the law allows the Magistrate to impose, not as an alternative punishment for the offence, but as a punishment for the non-payment of the fine.

Proportion of the fines imposed which have been realized compares not unfavourably with other administrations, although the fines are on an average higher than those in the courts of other provinces.

16. This, as the Judicial Commissioner points out, defeats its object, and is a mistaken view of the intention of the law. That the fines inflicted in this province are high is substantiated by a comparison with the sums which are imposed in the courts of other administrations. Thus, in British Burma the average amount of fine imposed on persons so punished amounted to Rs. 20, while in the Punjab is was Rs. 9; the Central Provinces Rs. 6-7; and in Oudh Rs. 6. The proportion realized was in British Burma 58 per cent.; in the Punjab 58 per cent.; in Oudh 60 per cent.; and in the Central Provinces 70 per cent. Although, therefore, there may have been some ultra heavy fines imposed, as the Judicial Commissioner considers, to secure the imprisonment of the offender, the proportion which the total amount realized bears to the total amount levied by the courts is not so far behind the proportion realized in other provinces as to support the conclusion, that the system of levying inordinate fines, beyond the

capacity of the offender, is common in the courts of this province. Out of the sums imposed as fines in the criminal courts a very small proportion (only 6 per cent.) was awarded as compensation to complainants. In the province of Oudh the proportion awarded was 20 per cent., and in the Punjab 15 per cent.

Small number of appeals from the Subordinate Magistrates.

17. In regard to the appeals from the Subordinate Magistrates, it would appear that out of over 9,000 persons convicted by them, 312, or not 4 per cent., appealed. This is a very small proportion, due partly to the punishments inflicted in these courts being light; but it is to be hoped, also, to the justice of the original sentence being acquiesced in by those on whom it was inflicted. In regard to the appeals from convictions by Magistrates to Courts of Session the number has increased from 299 to 464.

Proportion of appeals in which the sentences were modified or reversed has slightly fallen though it is still high.

18. The proportion modified or reversed to the number appealed has slightly fallen from 32 to 30 per cent., but that is still high. The districts in which appeals against the orders of Magistrates have mainly increased are the following :—In the Rangoon District the appeals increased from 26 in 1871 to 76 in 1872, while the proportion reversed or modified fell from 54 to 43 per cent. In the Sandoway District the appeals increased from 12 to 44, and whereas in 1871 all the appeals were rejected, in 1872 52 per cent. of the appeals were successful in obtaining modifications or reversals of the sentences appealed against. In Akyab Town the appeals increased from 45 to 103, while the proportion in which modifications or reversals was obtained increased from 15 to 26 per cent. In Moulmein Town the appeals increased from 31 to 65, and the proportion in which modifications or reversals was obtained fell from 45 to 34 per cent. It may be here remarked that in the Town of Rangoon there were only 17 appeals from the Magistrates' Courts, and of them only three cases, or 17 per cent. of those appealed, were reversed; this reflects credit on the Magistrate of the town.

Work in the court of the Judicial commissioner.

19. In the court of the Judicial Commissioner, the sentences passed in 113 cases came up on appeal, or were called for, and of those 108 were confirmed, while of 38 capital sentences referred to his court, 30

received confirmation, and four persons capitally sentenced were acquitted.

The Judicial Commissioner has no doubt done much to control and regulate the courts subordinate to him, and he has exercised this superintendence with great tact and care during the past year.

20. In conclusion, the Chief Commissioner would desire to record his opinion that, though from a judicial point of view, no very great result is shown in the way of an increase of business in the Highest Court of Appeal from the appointment of a Judicial Commissioner, yet there is no doubt the Judicial Commissioner has been able to do much to control and regulate the courts subordinate to him, and to ensure greater accuracy and regularity in the performance of their work;—and this is, after all, a most important result. It is not desirable to encourage people to appeal when they are satisfied that substantial justice has been done them on the mere chance that they may get the sentence reversed; and, therefore the scarcity of appeals is not to be regretted, as the people now know that they have the means of appealing if they choose. It is in the general superintendence of the courts by the Chief Judicial Officer of the province that the people will chiefly benefit, and this superintendence has been exercised by the Judicial Commissioner with great tact and care during the past year.

By order of the Chief Commissioner,

H. T. DUNCAN, *Major*,
Officiating Secretary.

REPORT

ON

CIVIL AND CRIMINAL JUSTICE,

BRITISH BURMA,

For 1872.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

COURT OF THE RECORDER OF RANGOON.

CIVIL.—The number of civil suits pending at the close of the year 1871 was 47 original suits and 10 miscellaneous suits, or 57 in all. Number of suits pending at close of 1871.

2. The number of suits instituted in the Recorder's Court during the year 1872 was 141 regular suits and 308 miscellaneous suits, or 449 in all. Thus there were on the files of the court during the year, 188 regular suits and 318 miscellaneous suits, or 506 in all. Of this total number, 158 regular suits and 313 miscellaneous suits, or 471 in all, were disposed of during the year, and at the close of 1872 there were pending 30 regular suits and 5 miscellaneous suits, or 35 in all. Number of suits instituted in 1872. Suits pending at close of 1872.

3. The miscellaneous suits include applications for probate and letters of administration, and other matters of extraordinary jurisdiction.

4. The total amount or value involved in the suits instituted in 1872 was Rs. 6,79,881-10-6, and the value of stamps filed during the year in regular and miscellaneous suits was Rs. 26,056-0-0. Value of suits and stamps in 1872.

5. In the previous year 1871, the number of suits disposed of was 248 regular and 373 miscellaneous, or 621 in all. In the same year the total amount involved in suits was Rs. 5,95,483, and the value of stamps filed was Rs. 23,641. Value of suits and stamps in 1871

Decrease in number of suits in 1872, and increase in value of suits and stamps

6. The difference in the years 1871 and 1872 in the above-mentioned particulars may be seen at a glance in the following table, which exhibits a decrease in the number of suits instituted, and an increase in the value of suits and stamps, for the year 1872 :—

YEAR	Number of regular suits instituted during the year.	Number of miscellaneous suits instituted during the year	Total number of suits instituted during the year	Number of regular suits disposed of during the year.	Number of miscellaneous suits disposed of during the year	Total number of suits disposed of during the year.	Number of regular suits pending at the close of the year	Number of miscellaneous suits pending at the close of the year	Total number of suits pending at the close of the year.	Value of suits instituted during the year.	Value of stamps.
										Rs	Rs
1871 .	231	364	598	248	378	621	47	10	57	5,95,483	23,641
1872 .	141	308	449	158	313	471	30	5	35	6,79,881	26,056
Decrease	93	56	149	90	60	150	17	5	22	..	
Increase	..	..	..	.	..		..	..	..	84,398	2,415

7. Besides the suits mentioned above, one review of judgment was heard during the year. In 1871 there was one review of judgment.

Duration of suits.

8. The longest period during which any case had been on the file at the close of the year 1872, was 2 years 2 months and 24 days. This suit involving long and complicated accounts, had been referred to a Commissioner, and stood on the dormant file. Omitting suits on the dormant file, the longest period during which any case had been on the file at the close of 1872, was 5 months and 15 days. At the close of 1871, the corresponding longest period was 1 year 7 months and 27 days. The average duration of contested suits disposed of during the year was 5 months and 14 days. This long average duration was due to the fact that several suits instituted in 1869 and 1870 were finally disposed of in 1872; for the average duration of contested suits instituted and disposed of within the year 1872 was only 2 months. The average duration of uncontested suits disposed of in 1872 was 2 months and 4 days.

9. The revenue of the court during the year 1872 amounted to Rs. 27,659-12-0, and the expenditure to Rs. 42,740-5-6; the particulers of both are given in the following tabular statement:— Expenditure in 1872 exceeded receipts by Rs 15,080-9-6

	Rs.	A.	P.		Rs.	A.	P.
Amount realized by stamps ..	26,056	0	0	Recorder's salary ..	27,388	13	10
Do. do. talubana ..	1,421	12	0	Establishment ..	14,756	8	0
Do. do. fines ..	180	0	0	Contingencies ..	594	15	8
Do. do. sale of empty stationary boxes ..	2	0	0				
TOTAL..	27,659	12	0	TOTAL .	42,740	5	6

showing an excess of expenditure over receipts of Rs. 15,080-9-6.

10. In 1871, the total revenue of the court was Rs. 26,520-8-0, and the total expenditure Rs. 34,379-4-0, showing an excess of expenditure over receipts of Rs. 7,858-12-0. Expenditure in 1871 exceeded receipts by Rs. 7,858-12-

11. CRIMINAL.—During the year 1872 there were 39 trials in the Recorder's Court as a Court of Session, and there were 3 criminal trials pending at the close of the year. Number of Sessions trials in 1872.

12. There were also disposed of during the year 1872 14 appeals from the decision of the Town Magistrate of Rangoon, and 1 from the Cantonment Magistrate of Rangoon, or 15 in all. Number of appeals from the Town and Cantonment Magistrates in 1872.

13. In 1871 there were 38 trials by the Court of Session, 14 appeals from the Town Magistrate of Rangoon, and two from the Cantonment Magistrate, or 16 in all. Number of appeals from the Town and Cantonment Magistrates in 1871.

14. The following table gives these statistics in counterview for the three years 1870, 1871, and 1872 :—

YEAR.	Criminal trials during the year.	Criminal trials pending at the close of the year.	Appeals from the Town Magistrate.	Appeals from the Cantonment Magistrate.	Total number of Appeals.
1870	36	..	13	4	17
1871	38	4	14	2	16
1872	39	3	14	1	15

Criminal Miscellaneous suits.

15. There were also in 1872 3 criminal miscellaneous cases.

Jurisdiction of the Town Magistrate and Recorder made conterminous.

16. Since last year's report was written, the local limits of the jurisdiction of the Town Magistrate and Recorder have been made conterminous. But the question whether perjury committed before the Commissioner, Deputy Commissioner, or Assistant Commissioner, holding courts in Rangoon, was cognizable by the Deputy Commissioner or by the Recorder, remained an open question until very lately, when the Judicial Commissioner, on a reference under section 69 of the Criminal Procedure Code, decided that such a case should be tried before the Deputy Commissioner. The Judicial Commissioner has informed me that he was not aware when deciding the point, that there was any question as to the offence being within the cognizance of the Recorder; but I am not disposed to dispute the conclusion he arrived at.

MAGISTRATE'S REPORT.

Cantonment Magistrate's Court dispensed with.

17. The civil jurisdiction formerly exercised by the Cantonment Magistrate was transferred to the Court of Small Causes of Rangoon on the 1st of April 1872, and the criminal jurisdiction of the Cantonment Magistrate was transferred to the Town Magistrate at the same time. The civil returns from the Cantonment Small Cause Court for the first three months of 1872 will, I presume, be received from the Judge of the Court of Small Causes; the criminal returns from the Magistrate's Court and Cantonment Court must be taken together for the purpose of comparison with the returns of previous years. In December 1871, an Assistant Magistrate for the Town of Rangoon was appointed. The number of persons brought to trial before the Magistrate, Assistant Magistrate, and Cantonment Magistrate in 1872 was 6,596. In 1871 (when there was a remarkable decrease from the number of the preceding year) 5,769 were brought to trial in the court of the Town Magistrate and Cantonment Magistrate. In 1872 the number acquitted or discharged without trial was 2,477, against 2,417 in the previous year; and 4,099 were convicted by the Magistrate or com-

Criminal returns of the Cantonment and Town Magistrates' Court taken together

Appointment of an Assistant Town Magistrate.

Number of trials before the Magistrates.

Decrease in 1871

Increase in 1872 as compared with 1871.

mitted to the Recorder's Court for trial in 1872, against 3,302 in 1871. These figures show an increase of offences for 1872; but they are below the corresponding figures for 1870 as the following tabular statement will show :—

Decrease in 1872 as compared with 1870.

Year	Number of persons brought to trial in the Magistrates Courts.	Number acquitted or discharged without trial	Number convicted or committed for trial
1870	8,440	4,170	4,222
1871	5,769	2,417	3,302
1872 . ..	6,596	2,417	4,099

from which it would appear that the number of persons acquitted or discharged without trial in 1870 was greatly in excess of the average, and from thence it may be inferred that, in the two following years, there were fewer frivolous complaints preferred.

Increase in 1872 accounted for

18. During the year 1872, 17 persons appealed from sentences passed by the Magistrates' Courts, and as to 13 of these the sentence of the court below was confirmed, as to 3, reversed, and as to 1, further evidence was ordered, and upon that evidence the Magistrate disposed of the case.

Number of appeals

General.

19. The most important event in connection with the Court in 1872, was the abolition of the Recorder's Court as established under Act XXI of 1863, and the establishment, under "The Burma Courts Act, 1872," of a new Court with extended powers. But the new Act is so faulty in its details that it breaks down at almost every point. I speak only of those provisions which relate to the Recorder's Court and the Special Court, as the other parts of the Act have not come under my notice. It was amended by Act I of 1873, but the amendment was hardly an improvement, for it touched minute details only, and overlooked the greater defects of the principal Act. I have already in letters and reports to the Government, called attention to many of the defects of the Act of 1872. To expose them all would be quite

Abolition of the Recorder's Court under Act XXI of 1863, and introduction of new Court under Act VII of 1872.

Provisions of Act VII of 1872 found faulty.

Amended by Act I of 1873, but not improved.

beyond the proper limits of this report, and would be useless, for they are irremediable by anything short of repeal and a new enactment.

Jurisdiction of the Recorder under Section 41 of the Burma Courts Act.

20. The most important point with regard to civil jurisdiction was raised upon the words of section 41, which gives jurisdiction to the Recorder, if, at the time of the commencement of the suit, the defendant dwells or carries on business, or personally works for gain within the local limits of the jurisdiction, but does not provide for the cause of action having arisen within such limits and the defendant being beyond such limits at the time of the commencement of the suit. It was argued that the defect was aided by section 5 of the Civil Procedure Code. As it was a point requiring legislative action to rectify it, if that view could not be sustained, I submitted the question to the High Court at Calcutta; and the High Court heldt hat, in such a case, the Recorder had no jurisdiction.

Powers of the Recorder under Section 43 of the Burma Courts Act.

21. On another occasion when, under the provisions of Act XV of 1863, an inquiry was instituted as to the loss of a British ship, it was much desired by the Advocates that assessors acquainted with navigation should be appointed; but as section 43 of the Burma Courts Act authorizes the Recorder to appoint assessors for the trial of civil suits *under that Act* only, the appointment of assessors for the investigation then pending would have been beyond the power conferred by the enactment.

Powers of the Recorder with respect to the Court of Small Causes.

22. The Recorder has, by section 45 of the Burma Courts Act, the powers of a High Court with respect to the Court of Small Causes of Rangoon; but the exercise of such powers does not constitute the Recorder's Court a High Court for the purpose of superintendence or supervision; and, therefore, the Small Cause Court submits its reports and official correspondence to the Local Government direct and not through the Recorder. I have no cause to show against this arrangement, though it has a half-and-half aspect; but I notice it here because some misconception existed on the subject soon after the Act was passed.

23. By section 55 of the Burma Courts Act, read in connection with section 75 of the Criminal Pro-

cedure Code, the Recorder has the powers of a High Court for the trial of European British subjects charged with offences punishable with death or transportation for life, and for the trial of cases transferred under section 76 of the Criminal Procedure Code; but in none of such cases is an appeal given by law. This seems to be contrary to the design of the criminal law of India in such cases generally.

Powers of the Recorder under Section 55 of the Burma Courts Act.

24. With regard to European British subjects, the Recorder's Court not being a High Court, but only exercising the powers of a High Court for the trial of such persons, the proceedings of Magistrates of districts by whom commitments of European British subjects may be made to the Court of the Recorder are not subject to revision by the Recorder; and the same imperfect constitution of the Court renders inoperative many sections of the Criminal Procedure Code (sections 81 and 197 for example) in reference to proceedings with respect to European British subjects, or persons jointly charged with European British subjects.

The Recorder only exercises powers of a High Court with regard to European British Subjects

25. Although the Recorder exercises the powers of a High Court for the trial of European British subjects, not only as to offences committed within the local limits of his civil jurisdiction, but as to offences committed elsewhere in British Burma or on the high seas, yet, as regards the proceedings of Magistrates within the local limits of his ordinary civil jurisdiction, he has only the powers of a High Court as a court of revision, that is to say, under Chapter 22 of the Criminal Procedure Code. Thus, the Recorder has no general supervision or control over the proceedings of Magistrates within the local limits of his ordinary jurisdiction, and there are many sections of the Code of Criminal Procedure (sections 64 and 69 for example) which are thereby rendered inoperative within such local limits. This has already given rise to some inconvenience.

The Recorder exercising no supervision or control over Magistrate's Courts gives inconvenience.

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26. It may not, perhaps, be out of place for me, as the Senior Judge of the Special Court created by the Burma Courts Act, 1872, to make one or two observations with regard to it. Only two appeals

Remarks concerning the Special Court.

Two appeals from the Court of the Judge of Moulmein

No appeals from the Recorder of Rangoon

from the Judge of the Town of Moulmein were presented, and of these one only was heard during the year. No criminal appeal, or reference from the Court of Recorder, was brought before the Special Court in 1872.

No Ministerial Officer attached

27. Probably there is no other court in the world that has no ministerial officer whatever attached to it. Act I of 1873, section 6, made some amendment of this difficulty as to appeals presented in the Court of the Judicial Commissioner, but seems to have overlooked the fact that appeals to the Special Court are also presented in the Court of the Recorder. However, little practical difficulty arises from this, for the clerical work connected with such appeals is, by the direction of the Recorder, performed by the establishment attached to his court, and at present is not very onerous. It certainly is somewhat anomalous that all the work connected with appeals, except the actual hearing of them, should be performed by persons who have no connection whatever with the court. When an appeal has been decided, there is no proper officer to transmit a copy of the proceedings to the court below; and if a reference is made to the High Court at Calcutta, there is no officer to prepare the necessary documents and transmit them.

Work connected with appeals performed by persons who have no connection with the Court.

Anomalies arise from want of a homogeneous system for the province.

28. In my report for 1871, I remarked upon some anomalies arising from the want of a homogeneous system for the whole province. It seems to me that anomalies of the same kind, both as to law and procedure, become more conspicuous every year; but I am not prepared to say that I think they would be removed merely by enlarging the scope of the jurisdiction of the Special Court.

F. HOUSMAN,
Recorder.

COURT OF SMALL CAUSES, RANGOON.

In submitting the report of the Court of Small Causes for the year 1872, I find little that calls for particular mention, and where the work of a court is so regular throughout the year, it is difficult to prevent oneself from repeating the language of former reports. The statements by figures are in themselves sufficient to show the exact working of the court, and the difference in the said figures from those of other years, is nowhere so great as to require much explanation.

General working of the Court satisfactory

2.	The number of regular suits instituted in the year 1872 was	3,535
	The number instituted in 1871 was	3,322
	Showing an increase in 1872 of	213
3.	The number of miscellaneous cases instituted in 1872 was	2,446
	The number instituted in 1871 was	2,154
	Showing an increase in 1872 of	292
4.	The total number of the regular and miscellaneous cases instituted in 1872 was	5,981
	The total number instituted in 1871 was	5,476
	Showing a total increase of suits filed in 1872 over those filed in 1871 of	505
5.	The number of regular cases filed in 1872 was ...	3,535
	The number left pending at the end of 1871 was...	81
	The total number of regular suits for disposal in 1872 was	3,616
	The number disposed of was	3,513
	The number left pending at end of 1872 was ...	103
6.	The number of miscellaneous cases instituted in 1872 was	2,446
	The number left pending at end of 1871 was ...	49
	The total number for disposal in 1872 was ...	2,495
	The number disposed of was	2,401
	The number left pending at end of 1872	94
7.	The number of regular cases pending at end of 1872 was	103
	The number of miscellaneous cases pending was...	94
	Total number pending at end of 1872	197
	Total number pending at end of 1871 . .	130
	The increase in number of pending cases at end of 1872 was	67

8. The number of regular cases disposed of in 1872 was	3,513
The number of miscellaneous cases disposed of was	2,401
Total number of cases disposed of in 1872 was ...	5,914
The number of regular cases disposed of in 1871 was	3,390
The number of miscellaneous cases disposed of was	2,160
Total number of cases disposed of in 1871 was ...	5,550
Showing an increase in the total number of cases disposed of in 1872	364

Increase in number of suits

9. It thus appears that there was an increase in the number of suits instituted in 1872, both regular and miscellaneous, as compared with the number in 1871, and there was almost a corresponding increase in the number of cases disposed of in 1872. This fact, I submit, shows that the working of the court was equal to its requirements. The increase in the number of cases left pending at the end of 1872 over the number left pending at end of 1871, may fairly be said to be the natural consequence of the increase in the number of cases filed, for although a larger number of cases was disposed of in 1872 than in 1871, the summonses in many could not be made returnable till after the close of the year.

Working of Court equal to requirements

Pending cases

Increase in number of suits unaccountable

10. I need not, I think, attempt to give any reason for the increase in the number of suits in 1872 over those in 1871. The number varies from year to year, and the decrease of one year is made up by the increase in the next, so that in the end the work of the court is very evenly balanced.

Duration of suits.

11. In accordance with the requirements of the report, I submit the *arithmetical* average duration of suits during the year 1872; but I have no reason to change my opinion of its worthlessness, as showing the real working of the court. Indeed, I am of opinion that the demand for such a statement is fraught with danger to the young judicial officer who might be induced to hurry on cases, or refuse postponements, even on valid grounds, for the sake of showing a small average duration of cases in his court.

12. Duration of suits—

Cases.		No. of days.	Average duration.
980	contested cases disposed of in 1872	17,257 ...	A little more than 17½ days.
30	cases of 1871 heard in 1872 ...	2,527 ...	A little more than 84 days.
950	contested cases of 1872 disposed of in 1872	14,730 ...	A little more than 15½ days.
2,533	uncontested cases disposed of in 1872...	43,560 ...	A little over 17 days.
120	uncontested cases struck off in 1872	16,213 ...	A little over 135 days.
2,413	uncontested cases disposed of in 1872...	27,347 ...	A little more than 11¼ days.
51	uncontested cases pending from 1871 and heard in 1872 ...	3,376 ...	A little more than 66 days.
11	cases actually struck off on 29th June 1872	2,165 ...	Nearly 197 days.
40	cases actually disposed of ...	1,211 ...	A little more than 30¼ days.
2,482	uncontested cases of 1872 disposed of in that year	40,184 ...	A little more than 16 days.
109	uncontested cases struck off on 29th June and 24th December 1872	14,048 ...	Nearly 129 days.
2,373	cases actually disposed of in 1872	26,136 ...	11 days.

13. From the above figures it will be seen that the *30* cases alone of 1871, which had been awaiting trial for various reasons during an average period of *84* days, are sufficient to destroy any idea of the real duration of the great majority of cases which are fixed for hearing within 5 or 7 days of their institution. Average of duration of suits worthless.

14. Value of suits—

		Rs.	A.	P.
3,535	regular cases filed in 1872 represented a value of	2,73,813	7	7
3,322	regular cases filed in 1871 represented a value of	2,73,166	1	8
213	Increase in 1872...	647	5	11

15. Revenue—

	Rs.	A.	P.
The total revenue in 1872 was	28,883	12	0
Ditto ditto 1871 was	28,713	13	6
Increase in 1872...	169	14	6

Increase in value of suits out of proportion to the increase of number of suits.

16. The increase in *value* of suits is somewhat disproportionate to the increase in number of suits, and must be attributed to an increase in the number of petty cases.

Revenue.

The revenue of the court is very large and far in excess of its expenditure, and shows an increase over the revenue of 1871 of Rs. 169-14-6.

Receipts and expenditure

17. The detailed statement of receipts and expenditure is shown in Schedule A.

Causes of duration of suits

18. The subjoined Statement B will show some of the cases longest pending in this Court during 1872, and the causes for their being so long pending.

Working of establishment satisfactory.

19. I have much pleasure in recording my extreme satisfaction of the manner in which the officers on the establishment have discharged their respective duties.

D. G. MACLEOD.
First Judge.

A.—*Statement of Receipts and Expenditure of the year* 1872.

	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.
Amount realized by stamps on regular suits.	21,566 0 0		Judge's pay	.. ...	10,300 0 0
Ditto ditto miscellaneous cases ..	1,517 14 0	23,103 14 0	Establishment	5,256 0 0	
Tullubana fund	.....	5,694 6 0	Contingencies	614 6 3	5,870 6 3
Fines	.....	36 8 0			16,170 6 3
Stamp penalty on insufficiently stamped documents	.....	40 14 0			
Sale of unserviceable office furniture	.....	6 8 0			
Sale of two empty stationery cases	.....	1 10 0			
			Balance on Receipts over Expenditure ..	.....	12,713 5 9
TOTAL ..	.....	28,883 12 0	TOTAL ..	.....	28,883 12 0

B.—*Cases longest pending.*

Regular 210; instituted 24th January; decided 11th July; duration 170 days. Owing to the absence of a material witness, a Commission was sent to Penang to examine him. On account of plaintiff's laches the Commission was never executed or returned, and the case was heard and decided without that evidence.

Ditto 226; instituted 25th January; decided 27th April; duration 94 days. This case, which entered into accounts, was referred to a Commissioner under Section 181 of the Civil Procedure Code, whose report was returned a month after.

Ditto 770; instituted 22nd March; decided 16th July; duration 117 days. In this case a Commission was forwarded to Mandalay on 25th April, to examine absent witnesses, and returned on 19th June.

Ditto 1007; instituted 18th April; decided 8th October; duration 174 days. This suit was postponed at the request of parties from time to time, to abide the result of a cross suit in the Recorder's Court, brought by defendant to establish his right to attached property, which was not decided till the end of September.

Ditto 1159; instituted 29th April; decided 26th August; duration 120 days. On account of the absence of one of plaintiff's witnesses, a Commission was forwarded to Moulmein on 22nd June, and returned unexecuted on the 10th August.

Ditto 1532; instituted 12th June; decided 7th November; duration 149 days. In this case the second defendant at the time of the institution of the suit, was a resident of Mandalay, the leave of the High Court to entertain the suit was obtained, and a summons posted to his address. A Commission was applied to examine the absent defendant. Commission was forwarded through the High Court on 8th August, and returned executed on 31st October.

Ditto 1825; instituted 10th July; decided 9th December; duration 153 days. The hearing of this case was delayed owing to the absence of certain witnesses at Prome and Thayetmyo. A commission was first sent to Thayetmyo to examine two witnesses there. After its return a second one was forwarded to Prome to take the evidence of the other witnesses.

Regular 2951, 2952, 2953, 2954, 2955, 2956, 3056, and 3057. These are eight suits and cross suits, filed by certain Chetties in November. They were adjourned till after the Christmas holidays by consent of Counsel, who were desirous of taking advantage of the vacation in the Recorder's Court which commenced in November. These suits were heard and decided in January 1873.

Ditto. 3,413; instituted 10th December. The defendant, a Ship Master, was arrested before judgment, and the case postponed at his request to 1st March 1873, to enable him to return from Penang and defend the suit, as he had no agent in Rangoon to represent him. The case was heard after the defendant's return on 17th February 1873. Duration of suit—70 days.

MAGISTRATE'S COURT, RANGOON.

From CAPTAIN R. C. EVANSON, Town Magistrate, to F. HOUSMAN, ESQ., Recorder, Rangoon,—dated Rangoon, 8th May 1873.

I HAVE the honor to forward the Annual Report in the Administration of Criminal Justice in the Town of Rangoon for the past year.

Number of bailable and non-bailable cases.

The subjoined table shows the number of offences bailable and non-bailable reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with similar result for the preceding year :—

YEAR	NUMBER OF OFFENCES REPORTED DURING 1871-72			Number of persons brought to trial.	Number acquitted.	Number convicted.
	Non-bailable	Bailable.	Total.			
1871	409	2,176	2,585	4,605	2,154	2,361
1872	522	3,088	3,600	6,596	2,477	4,061
Increase	113	912	1,015	1,991	323	1,700

2. The above shows an increase under each head. This increase is not as great in proportion to the decrease in 1871 compared with 1870. In 1870 there were 711 non-bailable cases, whereas in the year under review there were only 522. The greater increase has been in theft cases and possession of stolen property. In 1871 there were of the former 146 and of the latter 19—total 165. In 1872 there were 206 and 32, making the increase 73 in those offences.

Number of cases in 1870, 1871, and 1872 reviewed.

3. House-breaking also compares unfavourably, there being an increase of 13 in 1872. Murders were less by 2, but attempts at murder show an increase of 2. Culpable homicide not amounting to murder shows 1 less.

House breaking.

Culpable homicide

4. Robbery cases are less by 1. Cases of hurt are increased by 17.

Robbery
Cases of hurt

5. The non-bailable cases include all those of the most petty nature, and cause the acquittals to compare badly with the convictions.

Causes of acquittals compare badly with convictions.

Number of complainants not returned.

6. There are no columns in the returns to show the number of cases in which complainants do not appear on the day of trial, the number withdrawn or compounded, and the number of persons discharged without being put on their defence. The returns to be complete should, it is thought, give this information.

Increase in bailable cases accounted for.

7. The increase in the bailable cases is nothing more than need be expected on the establishment of an additional court, viz., that of the Assistant Magistrate, and a growing city.

Deaths from violence in cases tried.

8. Although the police returns show the particulars of all violent crime, I will briefly touch on those of the most serious character during the year. The first case of violence was one of culpable homicide, in which a convict, named Nga Aye, killed his fellow-prisoner Nga Hmo, with an iron hoe or "mamoty" after they had finished work at the canal. He confessed to having struck Nga Hmo, but said he only did so to frighten him, and to keep him from bullying him in jail, but had no intention to kill him. He was sentenced to transportation for life by the Sessions Court.

9. In the next case Pho Myah killed a Chinaman named Ah Htoon, at a brothel in Fraser Street. The Chinaman had a dispute with one of the women, and Pho Myah came out at the time and struck him two blows with a heavy stick. The Chinaman ran away and reached his room, where he was found dead the following morning by a Burmese woman, in whose house he occupied a room. Pho Myah was sentenced to 3 years' rigorous imprisonment by the Sessions Court.

10. In the next case two Burmese were charged with the murder of Shway Tso, who was stabbed in Montgomery Street as he was walking along. They were acquitted by the jury.

11. The next case was rather a strange and a very lengthy one, in which a Mahomedan named Abdoolah, was accused of causing the death of a Chinaman, who was ill, by dragging him off his mattrass and depriving him of his clothes, &c. The accused was a rent collector employed by the Burra Bazaar Company, and was said to have committed

the act while seizing property illegally on account of the rent of the room occupied by the deceased Chinaman. He was committed on two charges,—one of culpable homicide not amounting to murder, and the other criminal trespass, but he was acquitted of both charges by the jury.

12. The last case in which a death was caused, was one in which four men had committed house-breaking, and one of them was pluckily and cleverly captured by police constable Gadoo, who nearly lost his own life by being stabbed in the liver and four other parts of his body while holding him. Another police constable came up and knocked the thief down, the blow fractured the thief's skull, and caused his death some days after his admission into hospital. The constable recovered, an inquiry was instituted, and the police were held to have caused the man's death while in the exercise of the right of private defence.

Grievous hurt.

13. There were several cases of stabbing and wounding, and some astonishing recoveries, but the Magistrate does not think it necessary to particularize each case.

Robberies.

14. The first case was that of three natives of India, who were sworn to by another native of India, whose arm was fractured. He accused the three men of having robbed him, and caused the fracture by blows from sticks on the Kemendine Road at 7 P.M. There was corroborating evidence; the accused were acquitted.

15. The second case was also one in which natives of India were accused by a woman of the Mehter class. Rape was said to have been committed in this case, but whatever truth may have been in her story it was so mixed up with falsehood and collusion, that the men were discharged.

16. The third case was one in which four Burmese were accused of robbery in a boat, in the creek to the eastward of the Master Attendant's office, and of having caused hurt to the old Burmese owner and his wife. One of them was committed and sentenced to 2 years' rigorous imprisonment by the Sessions Court. The other three were discharged by the Magistrate for want of sufficient evidence.

17 In the last case an elderly Burmese goldsmith on his way home to Kemendine, on the pathway leading from the Boundary Road to Shan Zoo village, was dogged by two men who robbed him of his property, which was being carried by his servants. The old man was strong and very plucky, and although not aided at first by the servant, who was too frightened to be of much use, he followed the attackers into the jungle, and knocked one of them down, and held on to him till assistance arrived from the kyoung, which is close by. The man who was captured was a known offender, and was sentenced to 14 years' rigorous imprisonment.

Dacoity

18. There was one case in which nine Burmese were accused of preparing to commit dacoity. The borrowing of a gun was the cause of the whole thing eking out. A Burman gave the information, and the police managed the capture uncommonly well. The Magistrate discharged two and committed seven of the accused.

19. No. 1 was sentenced to 10 years' rigorous imprisonment and a fine of Rs. 1,000, or in default 2½ years' further rigorous imprisonment: No. 2 to 7 years' rigorous imprisonment: Nos. 4 and 5 to 5 years' rigorous imprisonment: No. 6 to 1 year's rigorous imprisonment: Nos. 3 and 7 to 3 months' rigorous imprisonment.

Number of non-bailable cases

20. The convictions in non-bailable cases were 296, against 323 brought to trial. This the Magistrate considers very fair.

21. There were 522 non-bailable cases reported, and 324 brought to trial. In the former are included of course all petty thefts by servants and others, which are very hard to trace and account in a measure for the unfavourable comparison.

Deaths from violence in cases not tried

22. The one shown as culpable homicide occurred in November in Poozoondoung, and arose out of a petty quarrel between two Burmese. The man who struck the blow with a piece of plank which caused the death, ran away, and although men were on the spot, he escaped. A report was lately received that he is in Upper Burma, and action is being taken for his apprehension. His escape from Rangoon should

not have been allowed, and does not show well for the head constable of Poozoondoung.

23. That shown as murder was one in which the wife of a police constable in Cantonments was suspected of having poisoned her husband. Arsenic was found in deceased's box, but the police were unable to bring forward sufficient evidence to support a prosecution. The increase in *reported* crimes is satisfactory in one way, for it shows that the police have not concealed crimes. Precautions were taken in former years to stop the burking of crime, and it is hoped now that very little of it exists; some severe examples were made in cases where guilt was brought home to the members of the force.

Increase in reported crimes

24. The subjoined table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year:—

Summary of cases

Class of Tribunal.	Number of persons under trial during the year	Discharged without trial	Acquitted.	Convicted.	Committed.	Died, escaped or transferred	Remaining under trial		Number of persons under trial at the close of the year whose cases have been pending over six weeks
							In custody.	On bail recognizance	
Captain R C Evanson Town Magistrate	2,628	141	325	2,109	38	9	3	2	Nil.
Assistant Magistrate .	3,753	1,384	589	1,775	.		5		do
Captain R C Evanson, Cantonment Magistrate	215	26	12	177			.	.	do
Total .	6,596	1,551	926	4,061	38	9	8	2	

25. The following extract from the Assistant Magistrate's report will show the class of cases tried by him, &c.—

Remarks by Assistant Magistrate

"With respect to table I of the report in which "it appears that 3,748 persons were brought to "trial, out of which only 1,775 were convicted, "I have to remark that out of a total of 3,748 per-"sons, 1,243 were brought under section 352, and

" 555 under sections 504 and 509—total 1,798. Out " of these only 236 were convicted, most of the other " persons having compromised the matter out of " court. It appears to me that in very many " instances suits are brought under these sections on " the very slightest grounds, not with a view to " punish the offenders for the offence complained of, " but through the fear of a criminal charge to compel " or induce payment of debts without the expense of " having recourse to civil courts.

" Leaving out offences under these two sections, " there have been altogether 1,950 persons brought " to trial, and 1,539 convicted. The greatest num- " ber of convictions in proportion to the number " of persons tried has been for breaches of Excise " Rules, where out of 45 persons tried, only 4 have " been acquitted. This I consider to be owing to " the great incentive the police have to do their best " to obtain convictions in these cases, owing to the " pecuniary reward they must obtain under the new " Excise Act."

Cantonment Court amalgamated with Town Court

26. Those tried by the Cantonment Magistrate were in the first quarter before the Cantonment Court was abolished. As the duties of that Court have been amalgamated with those of the Town Court for three-fourths of the year, I have incorporated the work in these returns.

Summary of sentences

27. The subjoined table shows the punishments inflicted by the different magisterial authorities:—

Class of Tribunal and name of Magistrate	Persons sentenced to					Number of persons who furnished security to keep the peace	Number of persons gave security for good behaviour out of those ordered	Amount of fines		
	Solitary confinement	Simple imprisonment	Rigorous imprisonment	Fine	Whipping			Imposed	Realised	Awarded as compensation
Captain Evanson, Town Magistrate	21	108	222	1,460	9		5			
Assistant Magistrate		10	142	1,569	12	21				
Captain Evanson, Cantonment Magistrate	..	5		144						
Total	21	123	364	3,173	21	21	5	Rs 43,589-4-6	Rs 27,804-0-9	Rs 115

28. The 5 persons who furnished security for good behaviour are out of 67 persons who were ordered to do so under Chapter XIX of the Criminal Procedure Code.

29. The subjoined table shows the detention of witnesses and the average duration of cases:— Duration of cases.

Class of Tribunal.	Number of witnesses discharged after				Average duration of cases.	
	1 day.	2 days.	3 days.	More than 3 days.	For previous year	For year under review
Captain Evanson, Town Magistrate.	436	123	33	9	3½ days	3 days
Assistant Magistrate	437	290	341	232	..	3 do.
Captain Evanson, Cantonment Magistrate	40	.	..	..		2 do.
Total ..	913	410	374	241		

General Remarks.

30. As regards the working of the police, the Magistrate can only repeat what was said last year, that although good service was done by the force, the lower ranks are sadly wanting in intelligence and a fair knowledge of duty, and in carrying out some of the most simple orders they make sad mistakes. The Inspectors and head constables should take more interest in their divisions and in the men under their command, and the laxity in this particular the Magistrate has had to complain of several times during the year. He must, however, admit that there has been some improvement lately, and feels sure that a great deal more can still take place by a little trouble on Mr. Reid's part. They do not as a rule possess the confidence of the people, and many complaints have reached the Magistrate through other channels which should have come through the police. There are so many opportunities here for bribery and corruption of all sorts on the part of underlings, that the Inspectors and head constables should be most active and trustworthy men, and continually on the watch to catch their Working of Police officers.

men tripping. Mr. Reid has frequently admitted to the Magistrate during the year that he has experienced great difficulty in keeping them up to their work. While remarking on these grades, it is considered due to Mr Miller to state that the Magistrate during the year under review, has found him an active and intelligent officer. He has in addition to other duties been prosecutor in the court, and has taken pains to acquire a good knowledge of the cases and correct procedure.

Nationalities of offenders

31. The following memorandum shows the nationalities of the offenders brought up during the year as compared with 1871 :—

	1871.	1872.
Burmese	1,627	2,135
Chinese .. .	185	403
Natives of Bengal and Upper India .	872	1,002
Europeans and East Indians ..	98	176
Madrassees . ..	1,702	2,579
Chittagonians .	121	301

Disquietude among the Chinese

32. In the month of December 1872 the Chinese showed signs of disquietude, and I immediately summoned the leading men of the Topay-kong and Ho Seng societies. Fourteen of these men were, after evidence had been taken, called on to furnish recognizance bond to keep the peace for twelve months in Rs. 1,000 each, and since then all has been quiet and satisfactory in their quarter.

Assistant Magistrate's Court a great assistance

33. The establishment of the Assistant Magistrate's Court has been of very great assistance to the Magistrate, and has given him time to attend to other matters affecting the town which otherwise he could not possibly have taken up There have been few appeals from Mr. Adamson, and he has given valuable aid by relieving the Magistrate's Court of very many cases as the returns show.

34. The Magistrate has no reason to alter what he said of Mr. Reid last year.

35. Mr. Stubbs, the Judicial Clerk, gave satisfaction.

PART II.

Courts under the supervision of the Judicial Commissioner.

(A).—CIVIL.

From J. D. SANDFORD, Esq., Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma, No. 521-76, dated Rangoon, the 2nd June 1873.

I HAVE the honor to forward the Annual Report on the administration of Civil Justice in British Burma (exclusive of the Town of Rangoon) for the year 1872, together with a set of statistical returns. Civil Justice in British Burma

2. The year has been marked by the introduction of changes in the constitution and character of the Courts of the Province, as established by the legislation of 1863, of which the principal were—

(1)—The institution by the Burma Courts Act of 1872, of the Court of the Judicial Commissioner for the performance of the business of the Chief Court, formerly presided over by the Chief Commissioner, and the transfer to it of a great portion of the appellate business which was formerly disposed of in the Courts of the Commissioners of Divisions. Institution of the Judicial Commissioner's Court

(2)—The abolition by the same Act of the Court of the Recorder at Moulmein, and the substitution for it of the Court of a Judge subordinate to the Court of the Judicial Commissioner. Judge's Court at Moulmein

(3)—The institution of a Special Court constituted by the Recorder of Rangoon and the Judicial Commissioner, whose principal jurisdiction is to hear appeals from the decrees of the Judge of Moulmein. Special Court.

(4)—The abolition of the right of special appeal, *i.e.*, of appeal on points of law, and the substitution for it of a reference on points of law, made by the Court itself to the Court of the Judicial Commissioner.

Court of Small Causes at Akyab.

(5)—The establishment of a Court of Small Causes at Akyab with jurisdiction to hear suits valued at a sum not exceeding Rs. 100.

Reason for small number of appeals from Judge of Moulmein

3. Of the effect of these changes it is too early to write, even if it were my place to do so; but it may be briefly noted that the change in the character of the Court at Moulmein has not sensibly affected the amount of litigation, and that only two appeals came before the Special Court during the year,—a fact which appears to indicate that the public has not lost confidence in the decisions of the former Court.

Summary of cases instituted.

4. The subjoined table shows the number of cases instituted in the different courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with the similar results for the preceding year:—

Divisions.	Class of Court.	Instituted.		Disposed of		Pending at close of year.			
						Above 4 months.		Total pending.	
		1871.	1872.	1871.	1872.	1871	1872	1871.	1872.
Akyab.	Extra Assistant Commissioners, 3rd class ..	1,234	748	1,232	750	..	..	2	..
	Do do. 2nd and 1st class, and Assistant Commissioners .	921	920	921	916	..	..	8	12
	Deputy Commissioner..	..	1	..	1	..	..	..	..
	Small Cause Court ..	..	267	..	267	..	..	..	.
	Total ..	2,155	1,936	2,153	1,934	..	..	10	12
	Increase .	..	..	..	..	..	..	..	2
	Decrease ..		219	..	219	..	..	..	..
Ramree	Extra Assistant Commissioners, 3rd class .	500	513	500	513	..	..	..	..
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	197	216	195	218	..	..	2	..
	Deputy Commissioner..	1	..	1	..	.	..	..	..
	Total ..	698	729	696	731	..	..	2	..
	Increase ..	..	31	..	35	..	..	..	.
	Decrease ..	..	..	..	..	..	..	..	2
Sandoway.	Extra Assistant Commissioners, 3rd class .	212	173	215	173	..	..	..	..
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	127	192	127	192	..	..	..	..
	Deputy Commissioner..	1	..	1		..	..	..	..
	Total ..	340	365	343	365	..	..	..	..
	Increase ..	..	25	..	22	..	..	..	..
	Decrease ..	..	..	..	..	..	..	..	..
N. Arkn.	Extra Assistant Commissioner, 3rd class ..	21	14	21	14	..	..	..	..
	Deputy Commissioner..	16	14	16	14	..	..	..	..
	Total ..	37	28	37	28	..	..	..	..
	Increase ..	..	..	..	..	..	..	..	..
	Decrease .	..	9	..	9	..	..	..	..

Divisions.	Class of Court	Instituted.		Disposed of.		Pending at close of year.			
						Above 4 months.		Total pending.	
		1871.	1872.	1871.	1872.	1871.	1872.	1871	1872.
Rangoon.	Extra Assistant Commissioners, 3rd class ..	1,773	1,785	1,709	1,781	..	..	64	20
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	191	298	187	330	..	1	4	10
	Deputy Commissioner ..	18	4	18	4	..	..	..	..
	Total ..	1,982	2,087	1,914	2,115	..	1	68	30
	Increase ..	..	105	..	201	..	..	..	..
	Decrease ..	..	..	..	..	..	3	..	38
Bassein.	Extra Assistant Commissioners, 3rd class ..	1,147	1,151	1,150	1,148	..	..	2	5
	Do do. 2nd and 1st class, and Assistant Commissioners ..	1,723	1,381	1,714	1,385	..	..	11	7
	Deputy Commissioner ..	4	2	3	4	..	..	2	..
	Total ..	2,874	2,534	2,867	2,537	..	..	15	12
	Increase	.	..	..	..	..	..	..	..
	Decrease ..	..	340	..	330	..	..	..	3
Myaoung.	Extra Assistant Commissioners, 3rd class ..	1,903	1,806	1,903	1,801	..	..	..	5
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	722	881	723	881	..	..	..	..
	Deputy Commissioner.	..	..	..	..	..	..	..	..
	Total	2,625	2,687	2,626	2,682	..	..	..	5
	Increase	..	61	..	56	..	..	..	5
	Decrease .	..	..	..	..	..	..	..	..
Prome.	Extra Assistant Commissioners, 3rd class ..	1,297	1,236	1,330	1,227	..	3	2	11
	Do. do 2nd and 1st class, and Assistant Commissioners ..	975	872	972	865	..	2	10	17
	Deputy Commissioner .	2	1	2	1	..	..	..	..
	Total .	2,274	2,109	2,304	2,093	..	5	12	28
	Increase ..	..	..	..	..	..	5	..	16
	Decrease ..	..	165	..	211	.	..	..	..
Thayetmyo	Extra Assistant Commissioners, 3rd class ..	822	734	811	720	..	..	11	25
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	364	379	361	372	..	..	3	10
	Deputy Commissioner ..	1	2	1	2	..	..	..	..
	Total ..	1,187	1,115	1,173	1,094	..	..	14	35
	Increase .	..	..	..	..	..	..	..	21
	Decrease ..	..	72	..	79	..	..	..	..
Amherst.	Extra Assistant Commissioners, 3rd class .	964	811	988	818	..	..	28	21
	Do do. 2nd and 1st class, and Assistant Commissioners ..	57	66	48	69	..	1	9	6
	Deputy Commissioner .	2	5	2	3	..	..	..	2
	Total .	1,023	882	1,038	890	..	1	37	29
	Increase .	..	..	..	..	..	..	..	..
	Decrease	..	141	..	148	..	..	..	8

Divisions	Class of Court	Instituted		Disposed of		Pending at close of year			
						Above 4 months		Total pending	
		1871	1872	1871	1872	1871	1872	1871	1872
Shwe-gyeen	Extra Assistant Commissioners, 3rd class	647	606	675	609		2	18	16
	Do do 2nd and 1st class, and Assistant Commissioners	305	313	290	318		2	15	
	Deputy Commissioner	5	3	6	3		..		
	Total	957	922	971	930		4	33	16
	Increase			..		.			
	Decrease		35		41	..	..	.	17
Toungoo	Extra Assistant Commissioners, 3rd class	594	575	592	575		.	2	
	Do do 2nd and 1st class and Assistant Commissioner	905	995	892	975	.	1	13	19
	Deputy Commissioner	2	4	2	4	.			
	Total	1 501	1,574	1,486	1,554	.	1	15	19
	Increase		73		68		1		4
	Decrease			..					
Tavoy	Extra Assistant Commissioners, 3rd class	229	328	232	332		.	4	
	Do do 2nd and 1st class, and Assistant Commissioners	208	176	212	176	.	.	2	2
	Deputy Commissioner					..		.	
	Total	437	504	444	508			6	2
	Increase		67		64				
	Decrease								4
Mergui	Extra Assistant Commissioners 3rd class	147	79	147	79	.	.	.	.
	Do do 2nd and 1st class, and Assistant Commissioner	595	515	588	508	.	.	7	7
	Deputy Commissioner	1	25	1	16	.	.		9
	Total	743	619	736	603			7	16
	Increase								9
	Decrease		124	.	133				
Salween	Extra Assistant Commissioners 3rd class		33	.	33		.	.	
	Assistant Commissioner		3	..	3			..	
	Total		36	..	36		.		
	Increase				..				
	Decrease			.	..	.	..		
Moulmein	Recorder's Court	409	206	396	190	2		45	..
	Small Cause Court	2,826	602	2,806	529	.		198	
	Judge's Court		251		202		10		49
	Small Cause Court		2,050	..	1,878				172
	Total	3,235	3,109	3,202	2,799	2	10	243	221
	Increase	..		..			8	.	
	Decrease		126		403		.		22
Total	Extra Assistant Commissioners 3rd class	11,490	10,592	11,505	10,573		5	138	103
	Do do 2nd and 1st class, and Assistant Commissioners	7,290	7,207	7,250	7,208	.	7	84	80
	Deputy Commissioner	53	61	53	52			2	11
	Court of Recorder and Judge's Court	409	457	396	392	2	10	45	49
	Small Cause Court	2,826	2,919	2,806	2,674	.		198	172
	Total	22,068	21,236	21,990	20,899	2	22	462	425
	Increase		.				20	.	
	Decrease	..	832	.	1,001				37

5. The total number of suits instituted during the year was 21,236, or 832 less than the number instituted during 1871 Litigation.

6. The largest numerical decrease in any one district, viz. 219, was in the district of Akyab, where 1,936 suits were instituted, as compared with 2,155 in the year preceding. No reason is assigned for this result, and the fact is somewhat remarkable; as for the last seven months of the year a Court of Small Causes was sitting at Akyab. Largest numerical decrease in Akyab

7. In the Mergui District the decrease was proportionately larger, being as high as 16 per cent. The causes assigned by the Deputy Commissioner are the prevalence of dengue fever, and a fire which caused severe loss in the Town of Mergui. There was also scarcity of provisions, owing to an unfavourable season, and the people it is said had no money to spend on litigation. Largest percentage decrease in Mergui

8. These reasons very probably contributed to the decrease, and perhaps it may be partly due to a want of proper distribution of the work in the various courts which had, on the occasion of my visit to Mergui, caused one Court, that of the Extra Assistant Commissioner at Mergui, to be overburdened with work, which the Judge could not overtake. This led to considerable delay and unpunctuality in the disposal of business, and would naturally take away from the popularity of the court. It was arranged that the Deputy Commissioner should call up cases to his own file, and thus relieve the subordinate court. It may be noticed that out of 619 cases which were before the Courts of the district, 515 were on the file of the Extra Assistant Commissioner at Mergui. The owners and cultivators of land, even in the interior of the district, live in the town of Mergui, and only migrate to the country for the purpose of cultivation. All suits for wages, or for breach of contract on the part of the laborers, are thrown into the Court at Mergui. It will be easy, however, for the Deputy Commissioner, whose own court work is very light, to call up cases whenever there is a press of business in the Lower Court. Cause of decrease in Mergui.

9. The decrease also in the district of Prome may be noticed, and particularly in one court, that of Cause of decrease in Prome.

Poungday, where the number of suits instituted fell of from 383 to 302. This is attributed by the Deputy Commissioner partly to dengue fever, and partly to the fact that, during the 4th quarter of the year, the Extra Assistant Commissioner had to leave his Court and take charge of the division during the absence on leave of the Assistant Commissioner. The period of his absence is not stated.

Dengue fever the cause of general decrease

10. I have little doubt that generally the prevalence of dengue fever did cause a temporary decrease in the business of the Courts, which has sensibly effected the amount of litigation during the year.

Suits in Small Cause Court at Akyab

11. The number of suits brought into the Court of Small Causes at Akyab is not so large as might have been expected, being only 267 in seven months.

Number of original suits disposed of by Deputy Commissioners

12. Very few original suits were disposed of in the Courts of the Deputy Commissioners—only 52 in the whole province, and of these 14 belong to the Hill Tracts of Arakan, and 16 to Mergui.

Largest amount of litigation in Bassein District smallest in Sandoway

13. The amount of litigation was largest in the district of Bassein, where the number of suits instituted was 2,874, and, excluding the Hill Tracts of Arakan and the new district of Salween, smallest in Sandoway, where only 340 suits were instituted.

Pending cases.

14. The state of the files at the close of the year was satisfactory so far as the number left pending is concerned, being only 425 for the whole province, or 37 less than the number left pending at the close of 1871; but it is not satisfactory to notice an increase from 2 to 22 in the number which had at the end of the year been pending for more than four months. Ten of these cases, however, belong to the Court of the Judge of Moulmein, and the litigation involved in two instances an examination of voluminous accounts, and in another the issue of Commissions to distant places.

Duration of cases

15. The next table shows the character of the original litigation in the different classes of courts. Character of litigation.

Divisions.	Class of Court.	Number of Suits instituted for: Money due on contract.	Movable property.	Damages.	Personal rights.	Immovable property.	No. of the preceding cognizable by a Court of Small Causes up to Rs 500.
Akyab	Extra Assistant Commissioners, 3rd class	111	530	27	53	45	674
	Do. do 2nd and 1st class, and Assistant Commissioners ..	258	514	20	52	58	768
	Deputy Commissioner	..	1	.	..	..	..
	Small Cause Court	43	213	11	..	..	267
	Total..	412	1,258	58	105	103	1,709
Rangoon	Extra Assistant Commissioners, 3rd class	189	98	47	101	78	391
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	109	60	15	11	21	154
	Deputy Commissioner	..	..	..	..	..	..
	Total..	298	158	62	112	99	545
Sandoway	Extra Assistant Commissioners, 3rd class	35	88	20	12	18	143
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	49	98	8	15	22	154
	Deputy Commissioner	..	..	..	..	..	..
	Total..	84	186	28	27	40	297
N. Arakan	Extra Assistant Commissioners, 3rd class	5	6	1	2	..	14
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	..	..	..	..	..	..
	Deputy Commissioner	5	3	3	3	..	13
	Total..	10	9	4	5	..	27
Rangoon	Extra Assistant Commissioners, 3rd class	1,056	279	183	101	76	1,517
	Do do. 2nd and 1st class, and Assistant Commissioners ..	249	57	15	32	35	303
	Deputy Commissioner	3	..	1	..	..	3
	Total..	1,308	336	199	133	111	1,823
Bassein	Extra Assistant Commissioners, 3rd class	397	298	267	124	61	1,147
	Do. do. 2nd and 1st class, and Assistant Commissioners ..	439	259	205	416	66	1,360
	Deputy Commissioner	..	2	..	..	..	..
	Total..	836	559	472	540	127	2,507
Myaungmya	Extra Assistant Commissioners, 3rd class	1,118	244	266	102	76	1,628
	Do. do 2nd and 1st class, and Assistant Commissioners ..	494	183	104	60	40	774
	Deputy Commissioner	..	..	..	..	.	..
	Total..	1,612	427	370	163	116	2,402

Divisions	Class of Court	Number of Suits instituted for: Money due on contract.	Movable property	Damages.	Personal rights.	Immovable property	No of the preceding cognizable by a Court of Small Causes up to Rs 500
Prome.	Extra Assistant Commissioners, 3rd class	668	121	271	52	124	1,227
	Do do 2nd and 1st class, and Assistant Commissioners	796	3	25	41	7	832
	Deputy Commissioner	1	.	..	..	..	
	Total	1,465	124	296	93	131	2,059
Thayet-myo	Extra Assistant Commissioners, 3rd class	357	169	112	59	37	638
	Do do. 2nd and 1st class, and Assistant Commissioners	253	7	78	22	19	324
	Deputy Commissioner	2	..	..	.	..	1
	Total	612	176	190	81	56	963
Amherst	Extra Assistant Commissioners, 3rd class	166	340	163	35	107	..
	Do do 2nd and 1st class, and Assistant Commissioners	13	17	26	7	8	.
	Deputy Commissioner	3	1	.	.	1	..
	Total	182	358	189	42	111	.
Shwe-gyeen	Extra Assistant Commissioners, 3rd class	244	253	62	39	8	858
	Do do 2nd and 1st class, and Assistant Commissioners	165	90	29	19	10	
	Deputy Commissioner	1	2	..	..	..	2
	Total	410	345	91	58	18	860
Toungoo	Extra Assistant Commissioners, 3rd class	84	334	35	93	27	543
	Do, do. 2nd and 1st class, and Assistant Commissioners	219	602	14	134	13	858
	Deputy Commissioner	2	2	.	.	..	3
	Total	305	938	49	227	40	1,404
Tavoy	Extra Assistant Commissioners, 3rd class	33	117	64	38	75	327
	Do do 2nd and 1st class, and Assistant Commissioners	32	111	3	21	9	176
	Deputy Commissioner	.	..	..		.	..
	Total	65	228	67	59	84	503
Mergui	Extra Assistant Commissioners, 3rd class	56	2	14	4	3	58
	Do do. 2nd and 1st class, and Assistant Commissioners	443	11	20	34	7	437
	Deputy Commissioner	18	2	..	1	4	18
	Total	517	15	34	39	14	508
Salween	Extra Assistant Commissioners, 3rd class	29	..	2	1	..	31
	Do do 2nd and 1st class, and Assistant Commissioners	3	..	..	..		..
	Deputy Commissioner	..	..	..	..	.	
	Total	32	..	2	1	..	31

Divisions	Class of Court.	Number of Suits instituted for					No. of the preceding cognizable by a Court of Small Causes up to Rs. 500.
		Money due on contract.	Movable property.	Damages.	Personal rights.	Immovable property.	
Moulmein.	Court of Recorder	189	3	4	5	5	..
	Small Cause Court	564	35	3	..	..	602
	Judge's Court.	186	7	14	20	24	..
	Small Cause Court	1,919	103	28	..	..	2,050
	Total..	2,858	148	49	25	29	2,652
Total	Extra Assistant Commissioners, 3rd class	4,548	2,879	1,534	816	735	8,791
	Do. do. 2nd and 1st class, and Assistant Commissioners	3,522	2,012	562	864	310	6,540
	Deputy Commissioner	35	13	4	4	5	40
	Court of Recorder and Judge's Court	375	10	18	25	29	..
	Small Cause Court	2,526	351	42	..	..	2,919
	Total..	11,006	5,265	2,160	1,709	1,079	18,290

16. More than half the litigation of the province was on account of money due on contract; and about 1-20th, as was the case also during 1871, was connected with immovable property.

Litigation on account of money due on contract.

17. As compared with the amount of litigation under other heads, the number of suits instituted for immovable property was extraordinarily large in the Amherst District, being as high as 111; while the total number of suits under all heads was only 882. The Deputy Commissioner, Major Sladen, reports that many of these suits originated in the careless manner in which Thoogyees of Circles formerly gave grants of waste land without proper surveys and most probably with inaccurate measurements.

Litigation on account of movable property in Amherst District.

18. The proportion of suits for land to the total amount of litigation was also very high in the small districts of Ramree and Tavoy: in the latter district 84 to 503, and in the former 99 to 729. No explanation is given in the reports.

Value of suits in Ramree and Tavoy.

19. The heading "Personal Rights" includes suits for dissolution of marriage, and these are in some districts frequent, as in Bassein, where there were 176 suits, and in Mergui, where the number 37 bears a very high proportion to the total amount of litigation. I am inquiring whether these suits are not brought for a division of property on dissolution of marriage, rather than for the dissolution itself.

Suits for dissolution of marriage.

20. The value of suits was as follows:—

Divisions.	Class of Court.	Number of suits disposed of valued at not exceeding Rupees— 5	20	100	500	3,000	10,000	1,00,000	Above 1,00,000	Total value of suits Rs. A. P.
Akyab	Extra Assistant Commissioners, 3rd class	49	193	401	108	.		..	..	41,005 1 8
	Do do 2nd and 1st class, and Assistant Commissioners	64	225	377	201	47	1	..	..	1,18,293 10 4
	Deputy Commissioner	.	.			.	1	..	..	7,065 0 0
	Small Cause Court	25	111	131				..		7,466 12 2
	Total	138	529	909	309	47	2	.	..	1,73,740 8 2
Ramree	Extra Assistant Commissioners, 3rd class	112	150	211	40	.	.	..		22,613 0 0
	Do. do 2nd and 1st class, and Assistant Commissioners	40	64	86	27	1	.	.	..	11,353 0 0
	Deputy Commissioner	.		.	.	.	..	..	.	
	Total	[illegible]	214	297	67	1		.	.	33,966 0 0
Sandoway	Extra Assistant Commissioners, 3rd class	36	51	80	6	..			..	4,832 8 6
	Do do. 2nd and 1st class, and Assistant Commissioners	33	51	93	15	..				7,000 0 9
	Deputy Commissioner				.	..	.		.	
	Total	69	102	173	21	..				11,832 9 3
N. Arakan	Extra Assistant Commissioners, 3rd Class	.	5	6	3		.		.	894 13 0
	Do. do. 2nd and 1st class, and Assistant Commissioners		..	.	.					
	Deputy Commissioner		.	7	6	1		..		4,006 0 0
	Total		5	13	9	1		..	.	4,900 13 0
Rangoon	Extra Assistant Commissioners, 3rd class	87	365	762	283		..	.		1,01,875 4 7
	Do do 2nd and 1st class, and Assistant Commissioners	34	107	310	149	15	..	.		73,903 5 2
	Deputy Commissioner			1	2	1	..			1,379 5 0
	Total	121	472	1,073	433	16	.			1,77,157 14 9

BASSEIN	Extra Assistant Commissioners, 3rd class	76	245	664	152	1	..	..	..	64,945 5 10
	Do. do 2nd and 1st class, and Assistant Commissioners	205	446	536	183	21	4	..	..	92,039 11 3
	Deputy Commissioner	..	..	..	..	..	2	2	..	52,372 4 0
	Total	281	691	1,200	335	22	6	2	..	2,09,357 5 1
MYANOUNG	Extra Assistant Commissioners, 3rd class	310	512	814	170	..	..	..	..	77,657 11 1
	Do. do. 2nd and 1st class, and Assistant Commissioners	138	331	269	32	11	..	..	..	53,977 6 9
	Deputy Commissioner	..	..	..	..	..	..	..	..	.....
	Total	448	843	1,083	302	11	..	..	..	1,31,635 3 10
PROME	Extra Assistant Commissioners, 3rd class	260	375	533	59	..	..	..	..	38,534 5 3
	Do. do. 2nd and 1st class, and Assistant Commissioners	140	213	350	129	33	..	..	..	87,259 6 4
	Deputy Commissioner	..	..	..	..	..	1	..	..	3,020 0 0
	Total	400	588	883	188	33	1	..	..	1,28,813 11 7
THAYETMYO	Extra Assistant Commissioners, 3rd class	174	208	290	48	..	..	..	..	24,023 10 5
	Do. do. 2nd and 1st class, and Assistant Commissioners	57	111	153	45	6	..	..	..	21,146 8 6
	Deputy Commissioner	..	1	..	..	1	..	..	..	661 8 0
	Total	231	320	443	93	7	..	..	..	45,831 10 11
AMHERST	Extra Assistant Commissioners, 3rd class	85	256	388	39	..	..	..	..	40,442 12 9
	Do. do. 2nd and 1st class, and Assistant Commissioners	6	8	37	14	3	1	..	..	9,701 5 6
	Deputy Commissioner	..	..	..	1	2	..	..	..	2,430 10 0
	Total	91	264	425	104	5	1	..	..	52,574 12 3
SHWE-GYEEN	Extra Assistant Commissioners, 3rd class	99	134	165	209	..	..	..	..	26,319 6 0
	Do. do. 2nd and 1st class, and Assistant Commissioners	59	83	107	65	5	1	..	..	22,556 15 7
	Deputy Commissioner	1	..	..	1	..	1	..	..	3,713 10 0
	Total	159	217	272	275	5	2	..	..	52,589 15 7
TOUNGOO	Extra Assistant Commissioners, 3rd class	110	212	166	29	..	..	..	..	18,083 4 3
	Do. do. 2nd and 1st class, and Assistant Commissioners	131	282	266	133	29	..	..	..	75,618 9 4
	Deputy Commissioner	..	..	1	2	..	1	..	..	9,262 13 0
	Total	241	494	433	164	29	1	..	..	1,02,964 10 7

Divisions.	Class of Court.	Number of suits disposed of valued at not exceeding Rupees— 5	20	100	500	3,000	10,000	1,00,000	Above 1,00,000	Total value of suits
										Rs. A. P.
Tavoy	Extra Assistant Commissioners, 3rd class	36	99	171	26	..	..	..	..	14,367 0 0
	Do. do. 2nd and 1st class, and Assistant Commissioners	19	54	79	22	2	.	..	..	12,141 0 0
	Deputy Commissioner	..	..	..	..	..	.	..	..	. ...
	Total	55	153	250	48	2	..	..	..	26,508 0 0
Mergui	Extra Assistant Commissioners, 3rd class	12	23	42	2	..	.		..	2,469 0 0
	Do. do. 2nd and 1st class, and Assistant Commissioners	64	170	248	31	2	.	.	..	19,229 0 0
	Deputy Commissioner	..	7	16	2	..	..	.	..	1,255 0 0
	Total	76	200	306	35	2	..	.	..	22,953 0 0
Salween	Extra Assistant Commissioners, 3rd class	..	4	14	15	..	..		..	4,690 6 6
	Do. do. 2nd and 1st class, and Assistant Commissioners	..	..	.	..	3	.	..	..	5,107 8 0
	Total	..	4	14	15	3	..		.	9,797 14 6
Moulmein	Recorder's Court	..	24	104	26	30	3	2	.	1,91,815 4 0
	Small Cause Court	38	209	230	52	..	..	..	.	24,033 1 0
	Judge's Court	2	24	89	37	37	4	1	..	1,25,725 10 0
	Small Cause side	114	679	813	239	33	.	.	..	1,20,157 13 0
	Total	154	936	1,236	354	100	7	3	..	4,61,731 12 0
Total	Extra Assistant Commissioners, 3rd class	1,446	2,832	4,707	1,238	1	..	..	..	4,82,803 9 10
	Do. do. 2nd and 1st class, and Assistant Commissioners	990	2,145	2,911	1,145	178	7	..	..	6,09,237 9 6
	Deputy Commissioner	1	8	25	14	5	6	2	..	85,166 2 0
	Court of Recorder and Judge's Court	2	48	195	63	67	7	3	..	3,17,540 14 0
	Small Cause Courts	177	999	1,174	291	33	..	..	..	1,51,657 10 2
	Total	2,616	6,032	9,010	2,752	284	20	5	..	16,46,405 13 6

21. The total value of the subject-matters of litigation throughout the province was a little short of sixteen lakhs and a half: about two lakhs less than the value in 1871. Value of plaints

22. Out of 20,719 suits shown in this table as disposed of, 17,658 were for suits valued at sums not exceeding Rs. 100, and nearly one-half the total number of suits were valued at sums not exceeding Rs. 20. More than 2,500 were for sums valued at not exceeding Rs. 5. These results are nearly identical with those noticed in last year's report. Analysis of plaints.

23. It has been remarked that the valuation of suits of land, as directed in section 7 of the Court Fees Act, namely, five times the annual revenue payable to Government, is a very inadequate representation of the market value of the land in this province: and that, therefore, so far as the litigation is connected with the land, this return does not correctly represent the value of the subject-matter of the litigation. Valuation of suits of land.

24. Of the 5 suits valued at over 10,000, 3 were instituted in the Court of the Town of Moulmein, the other 2 at Bassein; 1 of these was for a large quantity of earth-oil alleged to have been fraudulently brought down from Upper Burma. Suits over Rs. 10,000.

25. The manner in which the litigation was disposed of in the several courts is shown below:—

Divisions.	Class of Court.	Number of cases brought on the file including pending from last year.	Transferred, withdrawn, adjusted or dismissed for non-appearance.	Decree on compromise or confession.	Decreed ex-parte.	Judgment by default.	Decreed by arbitration.	Contested Cases. Judgment for Plaintiff.	Contested Cases. Judgment for Defendant.	Pending.
Akyab.	Extra Assistant Commissioners	1,544	539	214	207	2	9	437	128	8
	Assistant Commissioners.	134	35	4	23	..	..	59	9	4
	Deputy Commissioner..	1	..	..	..	..	..	1	..	..
	Small Cause Court ..	267	70	26	60	..	..	90	21	..
	Total.	1,946	644	244	290	2	9	587	158	12

Divisions	Class of Court	Number of cases brought on the file including pending from last year	Transferred, withdrawn adjusted or dismissed for non appearance	Decree on compromise or confession	Decreed ex parte.	Judgment by default	Decreed by arbitration.	Contested Cases: Judgment for Plaintiff	Contested Cases: Judgment for Defendant	Pending
Ramree	Extra Assistant Commissioners	731	258	57	138	7		177	94	
	Assistant Commissioners									
	Deputy Commissioner		..							
	Total	731	258	57	138	7	.	177	94	
Sandoway	Extra Assistant Commissioners	365	40	120	21			124	60	
	Assistant Commissioners									
	Deputy Commissioner		.					.		.
	Total	365	40	120	21			124	60	
Yaran	Extra Assistant Commissioners	14	3	3	1		1	5	1	
	Assistant Commissioners									
	Deputy Commissioner	14	3	1			6	2	2	
	Total	28	0	4	1		7	7	3	.
Rangoon	Extra Assistant Commissioners	2,091	743	345	308	4	61	426	176	28
	Assistant Commissioners	50	8	6	8	.		14	12	2
	Deputy Commissioner	4	1			..		2	1	
	Total	2,145	752	351	316	4	61	442	189	30
Bassein	Extra Assistant Commissioners	2 065	672	250	183	24	66	567	297	6
	Assistant Commissioners	480	185	50	44	14	10	113	58	6
	Deputy Commissioner	4	1						3	.
	Total	2 549	858	300	227	38	76	680	358	12
Myaungmya	Extra Assistant Commissioners	2,465	364	532	146	74	59	939	346	5
	Assistant Commissioners	222	31	46	3	10	4	88	40	
	Deputy Commissioner		.							
	Total	2,687	395	578	149	84	63	1,027	386	5
Prome	Extra Assistant Commissioners	2,106	589	349	286	4	51	565	239	27
	Assistant Commissioners	14	5	1	2	1		5		1
	Deputy Commissioner	1	.	1						
	Total	2,121	594	351	288	5	51	570	239	28
Thayetmyo	Extra Assistant Commissioners	859	176	160	61	36		277	114	29
	Assistant Commissioners	268	70	58	29	1	3	72	31	6
	Deputy Commissioner	2	.					2		
	Total	1,129	246	222	90	37	3	351	145	35

Divisions	Class of Court	Number of cases brought on the file including pending from last year.	Transferred, withdrawn, adjusted or dismissed for non appearance	Decree on compromise or confession	Decreed ex-parte	Judgment by default.	Decreed by arbitration.	Contested cases: Judgment for Plaintiff	Contested cases: Judgment for Defendant.	Pending
Amherst	Extra Assistant Commissioners ..	871	209	112	42	20	10	271	186	21
	Assistant Commissioners	43	6	3	1		..	15	12	6
	Deputy Commissioner	5	..	1			..	1	1	2
	Total..	919	215	116	43	20	10	287	199	29
Shwegyeen	Extra Assistant Commissioners ..	873	202	105	62	..	7	360	121	16
	Assistant Commissioners	70	21	3	1	...	3	29	13	.
	Deputy Commissioner ..	3	1	..	.	..	..	2	..	..
	Total..	946	224	108	63	.	10	391	134	16
Toungoo.	Extra Assistant Commissioners .	1,287	191	280	199	4	29	430	136	18
	Assistant Commissioners	283	72	20	37	3	1	109	39	2
	Deputy Commissioners.	4	..	..	1	1		1	1	..
	Total	1,574	263	300	237	8	30	540	176	20
Tavoy.	Extra Assistant Commissioners ..	510	87	110	11	..		210	90	2
	Assistant Commissioners	.	.	..	..	.	..	.	..	..
	Deputy Commissioner			..	..	..	..	...	..	..
	Total	510	87	110	11	..	..	210	90	2
Mergui	Extra Assistant Commissioners .	601	124	240	52	.	..	131	47	7
	Assistant Commissioners.	..		..	..	.		..	.	..
	Deputy Commissioner ..	25		9	1	.	..	5	1	9
	Total	626	124	249	53	..		136	48	16
Salween.	Extra Assistant Commissioner ..	33	10	1	4	.	..	11	7	..
	Assistant Commissioner	3	.	..	..	.	.	3	.	..
	Total.	36	10	1	4	..	..	14	7	..
Moulmein.	Recorder's Court . ..	251	51	15	82		3	31	8	..
	Small Cause side ..	800	147	32	157	4	21	185	38	..
	Judge's Court ..	251	119	15	73	1	3	33	19	49
	Small Cause side ..	2,050	791	96	623	4	22	364	249	172
	Total.	3,352	1,108	158	935	9	49	563	309	221
Total.	Extra Assistant Commissioners ..	16,415	4,207	2,874	1,721	175	293	4,930	2,042	167
	Assistant Commissioners.	1,567	433	189	125	29	21	503	214	27
	Deputy Commissioners	63	6	12	2	1	6	16	9	11
	Court of the Recorder and Judge's Court ..	502	170	30	155	1	6	64	27	49
	Small Cause Court ..	3,117	1,008	154	840	8	43	589	303	172
	Total .	21,664	5,824	3,259	2,843	214	369	6,102	2,595	426

Manner in which litigation was disposed of

26. Twenty-seven per cent. of the cases brought on the files were disposed of without passing a decree. The majority of these no doubt were dismissed for the non-appearance of either party on the day of hearing. Captain Street, Deputy Commissioner of Rangoon, reports that it is a common practice for the parties to settle their disputes before the Village Elders, even after the institution of a suit, which is supposed to give the plaintiff a vantage ground. This may be one cause of the large number of suits dismissed for non-appearance ; but I apprehend also that the courts are not always sufficiently careful when adjourning cases to fix dates for the future hearing, and give notice thereof to the parties. I have noticed irregularities of this description in examining the records of cases tried in the Lower Courts. Through press of business, or occupation of the presiding Judge in other matters, the cases are sometimes not even brought on on the days fixed for hearing ; the hearing is merely put off till the Court finds leisure ; and the parties have either to wait about in uncertainty, or to submit to the consequences of non-appearance. I have taken opportunity to recommend that a cause-list be always stuck up in the court-houses, showing both the dates originally fixed for the hearing of cases, and those to which the further hearing is adjourned.

Suits decided after contest in Court

27. The proportion of suits decided after contest in court was 40 per cent. ; and of these 70 per cent. were decided in favour of the plaintiff. The latter fact may be considered satisfactory, as indicating that in the large majority of cases the aid of the court was not sought without good reason.

Contested suits decided by the Judge of Moulmein

28. It may be noted that, of the contested cases decided in the Court of the Judge of the town of Moulmein, nearly twice as many were decided in favour of the defendant, compared with similar results in the Court presided over by the Recorder in the previous year. In 1871 820 were decided in favour of the plaintiff and 163 in favour of the defendant. In 1872 563 were decided in favour of the plaintiff, and 309 in favour of the defendant.

Ex parte decisions in Civil Courts.

29. In the ordinary Civil Courts only 13 per cent. of the cases were decided *ex-parte* ; the proportion of the Courts of Small Causes was double.

30. The average duration of suits in each class of court and the average number of adjournments in cases disposed of was as follows:— Duration of suits.

Divisions.	Class of Court.	Average duration of suits. 1871. Contested.	1871. Uncontested.	1872. Contested.	1872. Uncontested.	Average number of adjournments.
Akyab	Extra Assistant Commissioners	13·1	6·6	9·1	5·4	..
	Assistant Commissioners	10·7	7·6	16·8	10·1	..
	Deputy Commissioner	..	..	15·	..	..
	Small Cause Court	..	..	4·	3·	..
Ramree	Extra Assistant Commissioners	17·6	7·7	19·8	8·4	1·28
	Assistant Commissioners	..	..	..	..	..
	Deputy Commissioner	17·	..	..	..	..
Sandoway	Extra Assistant Commissioners	10·2	11·2	11·	6·	2·
	Assistant Commissioners	..	..	..	..	..
	Deputy Commissioner	3·	..	..	..	..
N. Arakan	Extra Assistant Commissioners	9·07	7·4	2·85	1·07	1·
	Assistant Commissioners	..	..	..	..	..
	Deputy Commissioner	14·12	3·12	5·05	4·07	..
Rangoon	Extra Assistant Commissioners	6·8	5·3	20·6	10·7	1·9
	Assistant Commissioners	20·	10·5	30·	23·	2·
	Deputy Commissioner	8·	7·	28·	15·	2·
Bassein	Extra Assistant Commissioners	3·8	2·2	8·8	6·4	2·
	Assistant Commissioners	4·5	2·5	6·5	5·5	12·6
	Deputy Commissioner	22·	..	188·	84·	7·
Myanoung	Extra Assistant Commissioners	6·	3·1	8·2	3·6	5·60
	Assistant Commissioners	6·3	2·3	8·3	3·	9·20
	Deputy Commissioner	..	..	..	..	..
Prome	Extra Assistant Commissioners	10·5	7·6	17·13	7·6	1·74
	Assistant Commissioners	93·	35·	28·25	36·50	1·47
	Deputy Commissioner	65·	13·	..	87·	3·
Thayetmyo	Extra Assistant Commissioners	13.2	4·2	7·2	4·5	3·20
	Assistant Commissioners	9·5	6·	7·7	3·2	3·82
	Deputy Commissioner	..	18·	3·	..	..
Amherst	Extra Assistant Commissioners	6·3	2·0	9·6	5·1	2·2
	Assistant Commissioners	9·	4·7	27·5	26·	3·
	Deputy Commissioner	7·	4·	29·	7·	3·
Shwe-gyeen	Extra Assistant Commissioners	11·6	3·8	4·2	1·4	3·4
	Assistant Commissioners	4·5	4·	17·	12·	2·
	Deputy Commissioner	29·	3·	65·	23·	4·
Toungoo	Extra Assistant Commissioners	6·8	3·	8·1	3·7	..
	Assistant Commissioners	10·	5·	10·	5·	..
	Deputy Commissioner	7·	..	27·	23·5	..
Tavoy	Extra Assistant Commissioners	7·7	3·7	8·2	3·7	1·71
	Assistant Commissioners	..	..	..	..	..
	Deputy Commissioner	..	..	..	..	..
Mergui	Extra Assistant Commissioners	9·	2·5	14·25	6·	2·
	Assistant Commissioners	..	..	..	..	..
	Deputy Commissioner	..	13·	5·	5·	2·
Salween	Extra Assistant Commissioners	..	..	14·	8·	..
	Assistant Commissioners	..	..	4·	..	..
	Deputy Commissioner	..	..	..	..	..
Moulmein	Recorder's Court	53·	18·	29·	19·	..
	Small Cause Side	30·	24·	33·	27·	..
	Judge's Court	..	..	58·	21·	1·
	Small Cause Side	..	..	25·	22·	..
	Total	16·5	7·6	21·4	14·7	3·2

If the calculations above set forth are correct, the average duration of suits has not been excessive, although the result is not so good as that for 1871.

High duration of suits at Bassein explained

31. The high duration in the Deputy Commissioner's Court at Bassein, viz. 188 days, will be noticed. This is explained by the Deputy Commissioner as due to the protracted duration of two cases in which many Commissions were issued to witnesses, and documents in Guzerathee had to be sent for translation to Rangoon. The Deputy Commissioner was absent during the pendency of the case at Rangoon, and also at Ngathaingyoung, where the dacoity, which was marked by the murder of the Assistant Commissioner, called for his presence.

Duration of suits at Shwè-gyeen.

32. In the Court of the Deputy Commissioner at Shwè-gyeen also the average duration (65 days) is high. Mr. Forbes writes that in the Courts of the Assistant Commissioner and Deputy Commissioner the number of cases is small, and as these have to be adjourned from time to time for long periods, while these officers are employed in other duties away from head-quarters, the average must be exceptionally high. I am not, however, disposed to accept this reasoning. It cannot be difficult to fix a day for the hearing in which it is certain that the Deputy Commissioner, however manifold are his duties, will be able to take up the case; and when the hearing has once commenced, there ought as a rule to be no adjournment.

Duration of suits in Small Causes Court, Moulmein.

33. The duration of cases in the Court of Small Causes at Moulmein attracted my attention, as it appeared to me that 25 days for contested and 22 days for uncontested cases was a higher average than would be looked for in a Court of Small Causes. The Judge explained that the vast majority of cases were disposed of at the first hearing; but that some few cases are kept on the file for a long time. It must be borne in mind that the Judge only sits in the Small Cause side of his Court three days in the week, and that a part of the population of Moulmein, perhaps that which is principally concerned with the litigation of the court, is of a migratory character.

Number of adjourned cases.

34. The figures showing the average number of adjournments have probably not been correctly calculated, and do not show the actual practice of the courts. Often cases are postponed, as I have found on my inspections, without any formal order of

adjournment. I have pointed out that whenever adjournment takes place, a formal order should be drawn up under Section 146 of the Code, showing the cause for which time is granted and the day fixed for further hearing. In the same way if, on the day fixed for the first appearance of the parties, it is impossible to hear the case, the Court should, under Section 109, adjourn the hearing to a future day, which should be fixed by the Court. If a note be made in the register of the suit in the proper column, not only of the day fixed for the first appearance of the parties, but also of the day fixed for further hearing, there will then be no difficulty in calculating the average number of adjournments in each suit.

35. The next table shows the number of decrees passed by the several courts, the number of applications for execution, and the decree in which the applications were satisfied:— Number of decrees and applications for execution

Divisions.	Class of Court	Number of decrees passed during the year.	Number of applications for execution, including those pending from last year.	Decrees completely executed	Decrees partially executed	Struck off.	Pending at close of the year: For more than four months.	Pending at close of the year: Total pending.
Akyab	Extra Assistant Commissioners	995	586	281	82	220		3
	Assistant Commissioners	95	79	30	13	25	..	11
	Deputy Commissioner	1					.	..
	Small Cause Court	197	50	28	3	19	.	.
Ramree	Extra Assistant Commissioners	473	168	98	37	33		.
	Assistant Commissioners			.				.
	Deputy Commissioner			.		.	.	
Sandoway	Extra Assistant Commissioners	294	111	74	11	26	..	.
	Assistant Commissioners	.	.	.		.		..
	Deputy Commissioner	.		.	..	.	..	.
Bassein	Extra Assistant Commissioners	6	2		..	1	.	.
	Assistant Commissioners				.		.	.
	Deputy Commissioner	3	.				.	.
Rangoon	Extra Assistant Commissioners	1,384	281	183	28	59		11
	Assistant Commissioners	40	40	18	1	21		.
	Deputy Commissioner	3	14	6	1	7		.
Maubin	Extra Assistant Commissioners	1,363	206	228	29	9	.	..
	Assistant Commissioners	275	150	110	8	3	..	..
	Deputy Commissioner	3	2	2	..	..	..	..
Myaungmya	Extra Assistant Commissioners	2,090	313	177	136	..	..	..
	Assistant Commissioners	191	44	20	24	..	.	..
	Deputy Commissioner		..	..	..	..	..	..
	Carried forward ..	7,410	2,086	1,264	373	423	..	25

Divisions	Class of Court	Number of decrees passed during the year	Number of applications for execution, including those pending from last year	Decrees completely executed	Decrees partially executed	Struck off	Pending at close of the year: For more than four months	Pending at close of the year: Total pending
	Brought forward	7,419	2,086	1,264	373	423		25
Prome	Extra Assistant Commissioners	1,380	451	310	117			24
	Assistant Commissioners	7	7	7				
	Deputy Commissioner		1	1				
Thayet	Extra Assistant Commissioners	391	152	93	48	2		16
	Assistant Commissioners	103	79	30	14	14		13
	Deputy Commissioner	2						
Amherst	Extra Assistant Commissioners	850	221	165	42	5		9
	Assistant Commissioners	37	34	19	7	8		
	Deputy Commissioner	3	78	29	48	1		
Shwegyin	Extra Assistant Commissioners	534	161	84	53			9
	Assistant Commissioners	36	28	18	4			3
	Deputy Commissioner	2	1		1			
Toungoo	Extra Assistant Commissioners	1 078	330	306	19	5		
	Assistant Commissioners	209	128	124	4			
	Deputy Commissioner	4						
Tavoy	Extra Assistant Commissioners	331	134	79	45	9	1	1
	Assistant Commissioners							
	Deputy Commissioner							
Mergui	Extra Assistant Commissioners	419	127	105	19			3
	Assistant Commissioners							
	Deputy Commissioner	10						
Salween	Extra Assistant Commissioners	23	4	2	2			
	Assistant Commissioner	3						
Moulmein	Recorder's Court	140	96	16	28	49		
	Small Cause Side	385	259	70	27	125		
	Judge's Court	144	181	36	68	61		16
	Small Cause Side	1,962	708	220	116	380		52
	Total	14,872	5,326	2,987	1,035	1,082	1	170

Small proportion of applications for execution

36. A striking result of this return is the small proportion of applications for execution as compared with the decrees passed. I think it is a satisfactory result, as showing that in the large proportion of the cases decided by the courts, the defeated party submits to that decision, and satisfies the decree without the necessity for any coercive process, or for the invocation of the aid of the court.

Result of applications satisfactory

37 Another satisfactory result is the large proportion of applications (56 per cent.) which resulted

in the complete satisfaction of the decree. The corresponding proportion in the Lower Provinces of Bengal for the year 1871, was 22 per cent., and in the Punjab 39. The general average in the North-Western Provinces is, as noted in last year's report, 25 per cent.

38. I think we may congratulate ourselves that the evils which have been felt in Bengal, to arise from the provisions of the Code in regard to execution of decrees, viz., the tyrannical use made of the decree by the creditor on the one hand, and the obstructions placed in his way by the judgment-debtor on the other, have not yet found their way to this Province. Abuse of decrees not felt in Burma.

39. The result, however, is not so satisfactory in the Court at Moulmein, where out of 1,304 applications, only 342, or 26 per cent., resulted in complete execution.

40. In the Toungoo return the figures are so remarkable as almost to throw a doubt on the accuracy of the compilation. In the Extra Assistant Commissioners' Courts, while 1,078 decrees were passed, only 330 applications were made for execution, and of these 306 resulted in complete satisfaction of the decree; while in the Assistant Commissioner's Court, of 128 applications, all but four resulted in complete execution.

41. Processes of execution were issued as follows:— Processes of execution.

Divisions.	Name of District.	Delivery of possession.	Specific performance.	Imprisonment of person.	Movable property. Attachment.	Movable property. Sale.	Immovable property. Attachment.	Immovable property. Sale.	Orders under Section 243, Act VIII of 1859.
Arakan.	Akyab	18	6	39	143	45	78	40	..
	Ramree	6	..	9	72	19	15	14	..
	Sandoway	..	..	5	58	9	3	10	..
	N Arakan	..	..	..	..	..	..	..	..
Pegu.	Rangoon	10	..	81	186	51	99	22	..
	Bassein	198	..	24	285	101	75	26	..
	Myanoung	18	..	76	216	42	65	16	..
	Prome	33	..	50	181	133	125	85	..
	Thayetmyo	27	1	64	75	61	30	17	..
Tenasserim.	Amherst	14	7	118	92	15	73	14	..
	Shwè-gyeen	15	.	81	96	45	71	35	3
	Toungoo	6	..	18	247	45	88	20	..
	Tavoy	21	..	8	9	5	11	6	..
	Mergui	8	..	77	19	5	23	2	..
	Salween	2	..	..	2	1	..	..	..
	Town of Moulmein	..	..	91	170	133	79	66	11
	Total	376	14	704	1,860	710	835	378	14

Imprisonment of person.

42. The total number entered under head of "Imprisonment of person," viz 704, appears high; but a very small proportion of the persons for whose imprisonment warrants issued were actually thrown into prison. Thus, while 118 processes issued from the Courts of the Amherst District for execution of decree by imprisonment of the person, only 15 persons were actually sent to jail; and in Mergui 77 such processes issued, but only 10 persons were incarcerated. In the district of Thayet 64 warrants issued, 10 persons only were confined.

Lock ups used for persons under execution of decrees.

43. As the Chief Commissioner is aware no provision at all exists in the interior of the district for the confinement of persons in execution of decree of court, and it is believed that police lock-ups are used for the purpose. The matter is under inquiry, and will be separately considered. As it does not appear unusual for the Courts to give decrees for money against a married woman as well as the husband, there is the more reason for providing the proper accommodation for civil prisoners. Even in the small prisons or lock-ups at district head-quarters provision is not invariably made for the separate confinement of civil prisoners. The matter has received, and will, I have no doubt, continue to receive, the attention of the Chief Commissioner.

Property sold in execution of decrees.

44. The number of sales of property in execution of decree, both of movable and of immovable property, has diminished. In 1871 there were 410 sales of immovable property, in 1872 only 373. The largest number of such sales in any one district, viz. 85, took place in the district of Prome.

45. The subjoined table shows the number of appeals preferred to the Deputy Commissioners from the decrees of the subordinate courts, and the proportion in which the decrees appealed against were upheld :— Table of appeals to Deputy Commissioners.

Divisions.	Class of Court.	Number of appealable decrees passed.	Number of appeals preferred.	Number of decrees confirmed.	Number modified.	Number reversed.	Proportion of reversals and modifications to appealable decrees.
Akyab ..	Extra Assistant Commissioners ..	1,492	84	51	5	11	1
	Assistant Commissioners	93	12	7	..	1	1
Ramree ..	Extra Assistant Commissioners ..	281	58	32	8	18	9·2
	Assistant Commissioners	..	..	..	..	..	..
Sandoway ..	Extra Assistant Commissioners ..	184	35	28	5	1	3·2
	Assistant Commissioners	..	..	..	..	..	..
N. Arakan ..	Extra Assistant Commissioners ..	..	..	..	..	..	..
	Assistant Commissioners	..	..	..	..	..	..
Rangoon ..	Extra Assistant Commissioners ..	947	66	36	3	22	2·6
	Assistant Commissioners . ..	24	2	1	..	1	4 1
Bassein ..	Extra Assistant Commissioners ..	758	82	38	3	20	3
	Assistant Commissioners	171	34	19	..	8	4 6
Myanoung ..	Extra Assistant Commissioners ..	2,274	109	63	7	25	1·4
	Assistant Commissioners	200	11	3	2	1	1 4
Prome ..	Extra Assistant Commissioners ..	802	122	72	5	24	3 6
	Assistant Commissioners	5	1	1	..	..	..
Thayetmyo.	Extra Assistant Commissioners ..	391	63	36	3	24	6·9
	Assistant Commissioners	103	34	20	2	12	13·5
Amherst ..	Extra Assistant Commissioners ..	850	68	37	3	28	3 6
	Assistant Commissioners	37	6	5	..	1	2·7
Shwe-gyeen.	Extra Assistant Commissioners ..	481	59	43	5	10	3 1
	Assistant Commissioners	42	2	2	..	..	..
Toungoo .	Extra Assistant Commissioners ..	551	129	58	12	38	9
	Assistant Commissioners	148	52	22	10	13	15·5
Tavoy ..	Extra Assistant Commissioners .	300	119	65	7	46	17 6
	Assistant Commissioners	..	..	..	..	..	..
Mergui ..	Extra Assistant Commissioners .	278	47	28	9	10	6·8
	Assistant Commissioners	..	..	.	..	..	..
Salween ..	Extra Assistant Commissioners ..	..	..	..	..	..	..
	Assistant Commissioners	..	..	..	..	..	..
	Total ..	10,421	1,195	667	89	314	3 8

46. The number of appealable decrees passed is shown as 10,421, the number of appeals preferred at 1,195, or 11 per cent. As was the case also in 1871, the largest proportion of appeals was in the district of Tavoy, where 119 out of 300 appealable decrees Percentage of appeals preferred— In Tavoy

Percentage of appeals preferred—

were appealed. Appeals were preferred from half the decisions of the Extra Assistant Commissioner, who holds his court at the head-quarters station of Tavoy. In the district of Myanoung on the other hand not 1 in 20 appealable decisions was appealed.

In Myanoung

47. More than 33 per cent. of the appeals preferred resulted in the reversal or modification of the decision against which the appeal was preferred. To the Court of the Deputy Commissioner of Toungoo 181 appeals were preferred, and in 73 of these, or 40 per cent., the decree of the Lower Court was altered.

In Toungoo

Persons generally contented with original decision

48. The table shows that the people are contented generally to accept the decisions of the Courts of first instance, although we must not lose sight of the distance and the difficulties of travel, which lie in many cases between the courts of original and appellate jurisdiction.

Statistics of Appellate Courts.

49. The subjoined table shows the work of the Appellate Courts :—

Division.	Class of Appellate Courts and names of presiding Judges.	No. of appeals on the file included, including those pending from last year and received by transfer	No. transferred or dismissed for default.	No. decided: In favour of Respondent.	No. decided: In favour of Appellant.	No remanded for re-decision by Lower Court.	No. left pending: For more than 4 months.	No. left pending: Total pending.	Average duration of appeals.
Arakan.	Deputy Commrs. of Mr. W. DeCourcy Ireland, Akyab	96	6	12	4	9			69
	Lt.-Col. H. N. Davies, Akyab		2	34	9	6			36
	Capt. C. H. A. Gower, Akyab	88	3	12	4	1		3	29
	Lt.-Col. C. P. Hildebrand, Ramree	35		29	26	1			57
	Captain G. E. Fryer, Sandoway			29	6				23
	Capt. W. G. Hughes, Supdt. Hill Tribes								
	Col. J. F. J. Stevenson, Commr. A. Divn.	5		3					47
	H. N. Davies, Offg. ditto.			1				1	11
Pegu.	Deputy Commrs. of Capt. C. W. Street, Rangoon	63	5	32	21	5	1	5	47
	Capt. W. W. Pemberton, Bassein	117	15	57	31	5		5	36
	Mr. W. DeCourcy Ireland, Myanoung	120		66	35	8		11	23
	Capt. H. R. Spearman, Prome	123	6	72	29		1	15	54
	Lt.-Col. H. A. Browne, Thayetmyo	100	7	56	33	8		1	8
	Col. R. D. Ardagh, Commr., Pegu Divn.	21	8	6	7				98
Tenasserim.	Deputy Commrs. of Major A. G. Duff, Amherst	79	1	41	31	1		5	19
	Major E. B. Sladen, Amherst								
	Lt.-Col. E. J. Spalsbury, Tavoy	119		65	51	2		1	11
	Major W. Munro, Mergui	48		27	19	2			14
	Mr. J. K. Macrae, Shwe-gyen	61	2	43	15			1	7
	Mr. C. J. F. S. Forbes, Shwe-gyen								
	Mr. M. B. Lloyd, Toungoo	181	17	80	73	11			5
	Col. D. Brown, Commr., Tenasrm Div.	9		6	3				49
	Total	1,240	72	671	397	48	2	52	32·68

50. The appeals herein shown as instituted in the Courts of the Commissioners, must principally have been instituted before the Burma Courts Act of 1872 came into force. For under that Act Commissioners only hear decrees from the decisions of the Deputy Commissioners exercising original jurisdiction; and the Deputy Commissioners only take up, in the exercise of original jurisdiction, the very few suits that are valued at above Rs. 3,000. Under the new Act appeals from the decrees of the Deputy Commissioners exercising appellate jurisdiction, and references on points of law, lie to the Court of the Judicial Commissioner. I may mention here that the appellate jurisdiction of the Commissioner of Pegu under the Act, was by Notification No. 20, dated 13th April 1872, transferred to the Judicial Commissioner, and yet that not one appeal has been preferred in the Court of the Judicial Commissioner in the exercise of that special jurisdiction.

Appeals principally instituted prior to passing of Burma Courts Act.

51. Considerably the largest number of appeals, viz. 181, came before the Court of the Deputy Commissioner of Toungoo; and the number of appeals to the Tavoy Court of Appeal, viz. 119, was large, considering the very small amount of original litigation.

Districts in which the largest number of appeals were made.

52. The appeals as a rule have been promptly disposed of; only two had at the close of the year been pending over four months. The average duration in some of the courts, as those of the Deputy Commissioners of Toungoo, Shwè-gyeen, and Thayet, is remarkably good. It is bad in the Prome court.

Appeals pending

53. The average duration is increased in some of the courts by the practice which exists of not summoning the respondent until, after perusal of the record or judgment of the Lower Appellate Court, the Appellate Court finds reason to question the propriety of the decision. When the judgment is not filed with the petition of appeal, and the law only requires a copy of the decree to be filed, this practice necessitates the issue of a double process—(1) that of calling for the record of the Lower Court; (2) that of summoning the respondent. When copy of the judgment is filed, it is an advantage that the Appellate Court should be able to dispose of a

Duration of appeals

manifestly groundless appeal at once; but if it be found necessary to issue a process calling for the record, I think that it is questionable whether the inconvenience saved to the respondent, of attending the court, is not more than counterbalanced by the inconvenience caused to the appellant by the delay and expense of a double process.

Court of the Judicial Commissioner

54. The following table shows the work performed in the Court of the Judicial Commissioner :—

Divisions	Name of Commissioner or Deputy Commissioner from whose decision appeal was made	Decision reversed	Decision modified	Decision confirmed	Remanded	Total disposed of	Pending
Rangoon	Captain C W Street			1		1	1
Prome	Captain C W Street	1		*1		2	
Bassein	Captain W W Pemberton			2		2	1
Myanoung	Captain W C Plant	1		1		2	
Myanoung	Mr W DeCourcy Ireland	2				2	1
Akyab	Mr W DeCourcy Ireland			2		2	
Prome	Captain H R Spearman						3
Thayetmyo	Lieutenant Colonel Horace A Browne			3		3	
Amherst	Major E B Sladen	2	1	2		5	
Shwegyeen	Major A G Duff	2				2	
Toungoo	Major M Lloyd	1				1	
Tavoy	Lieutenant-Colonel E J Spilsbury	1		*1		2	
Mergui	Major W Munro				1	1	1
Rangoon	Lieutenant-Colonel H N Davies			1		1	
Akyab	Lieutenant-Colonel H N Davies						1
Ramree	Lieutenant Colonel C P Hildebrand	1				1	
Moulmein	Major A G Duff			†1		1	1
	Total	11	1	15	1	28	9

* These cases were dismissed for default
† This appeal was heard by the Special Court

Results of appeals

55. 27 Appeals only were disposed of in the Court of the Judicial Commissioner. In 14 of these the decision of the Lower Appellate Court was confirmed, in 12 reversed or modified. The Court did not begin to exercise civil jurisdiction

till towards the end of April; and the people probably only became aware of its jurisdiction by degrees.

56. In addition to the appeals there were decided four references on points of law under Section 35 of the Burma Courts Act. These references take the place of the old special appeal, and will be shown in future reports in the statement of work. Four cases of reference.

57. During the year I visited all the courts at the head-quarters stations in the Pegu Division, and some of the sub-divisional courts; also Moulmein, Tavoy, and Mergui in the Tenasserim Division. The reports of my inspection are contained in separate memoranda recorded at the time, which have been communicated to the officers concerned. Inspection of Subordinate Courts.

58. In the Pegu Division I found that very little attempt had been made to arrange or preserve the Court records; indeed, in the absence of any Record-keeper on the judicial establishments, it is difficult for the District Officers to provide for this work. Instructions have now been issued for the destruction of useless papers, and the arrangement of files in such a manner that only necessary papers will be preserved; and the Chief Commissioner has been asked to sanction the entertainment of a Record-keeper at the head-quarters of each district, to whose care will be entrusted the whole of the judicial records of the district. It was proposed to meet the expenditure on the salaries of the Record-keepers from the sum at present spent in the remuneration of the Bailiffs. This latter is more properly chargeable to the fees received for the service of processes. The proposal met with Mr. Eden's approval. Pegu Division.

59. Rules have been prepared under the Court Fees Act as to the fees chargeable for the service of processes, and the remuneration and number of persons employed in the service. These are awaiting the sanction of the Government of India, and until they are approved, the scheme for the appointment of Record-keepers cannot be introduced. Fees for service of processes.

60. Certain legislative changes were proposed, which have since been enacted by Act I of 1873. The rules in force for the admission of Pleaders were of uncertain legality and required amendment. The Rules for the admission of Pleaders.

Judicial Commissioner has now the power by law to make rules for the qualification, admission, and enrolment of Advocates of his court and courts subordinate thereto. It is hoped that gradually under these rules, and with the assistance of law classes at the proposed High School of Rangoon, a better educated and higher class of men will be found practising as Advocates in the district courts.

Language in which plaints are written and evidence recorded

61. The practice existing in the courts presided over by English Judges, in which the plaints are ordinarily presented written in the Burmese language, while the evidence is recorded in English, though probably the simplest and best practice, seemed not consistent with the law as laid down in Sections 26 and 172 of the Code of Civil Procedure, which direct that the plaint shall be written and the evidence recorded in the language in ordinary use in proceedings before the court. The inconsistency has now been remedied by a clause in the new Act, giving to the Chief Commissioner the power to direct in what language or languages the plaint shall be written and the evidence recorded.

Burmese edition of the Acts commenced

62 A commencement was made during the year in the preparation, under the superintendence of Colonel Horace Browne, of a Burmese edition of the Acts, which it is hoped will prove a faithful and scholarlike translation.

Inquiry made as to the Buddhist Law

63. Inquiries are being made into the practicability of preparing an authoritative digest of Buddhist Law, which forms the rule of decision in our courts in questions regarding succession, inheritance, marriage, and religious usage. The free expression of opinion, both official and unofficial, has been invited, and at any rate some valuable information will be obtained.

Delay in submission of district reports

64. The dates on which the divisional reports were received in this office, and those borne by the reports of the different districts, are given below. There is much room for improvement towards punctual submission.

Pegu (Divisional) ..	...	..	8th	April	1873
Rangoon	...	..	5th	Feb	"
Bassein	...	...	.. 27th	March	"
Myanoung	..	..	.. 1st	March	"
Prome	...	...	.. 15th	Jan.	"

Thayetmyo	3rd Feb	1873.
Tenasserim (Divisional) . .	2nd April	"
Amherst	6th Feb	"
Shwè-gyeen . .	25th Jan	"
Toungoo	17th Jan	"
Tavoy . ..	25th Jan	"
Mergui	18th Jan	"
Salween ...	5th Feb	"
Arakan(Divisional)	19th April	"
Akyab	10th Feb	"
Ramree	20th Jan	"
Sandoway ...	10th Jan	"
North Arakan .	25th Jan	"
Moulmein, Judge of the Town of ..	1st Feb.	"

B.—CRIMINAL.

From J. D. SANDFORD, Esq., Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 729-76, dated Rangoon, the 9th July 1873.

I HAVE the honor to forward the Annual Report on the administration of Criminal Justice in this province, exclusive of the Town of Rangoon, for the past year

2. The subjoined table shows the number of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with similar results for the preceding year :— Amount of crime

Divisions	Names of Districts		Number of offences reported during 1872			Number of persons brought to trial	Number acquitted	Number convicted
			Non-bailable	Bailable	Total			
Arakan	Akyab	In 1871	427	1,722	2 149	3,980	2,242	1,069
		In 1872	363	1,692	2,055	3,688	1,518	2 077
		Increase						408
		Decrease	64	30	94	292	694	
	Ramree	In 1871	824	437	761	937	188	651
		In 1872	357	646	1,003	1,567	728	830
		Increase	33	209	242	630	540	179
		Decrease						
	Sandoway	In 1871	70	124	194	288	193	145
		In 1872	79	167	246	421	115	305
		Increase	9	43	52	133		160
		Decrease					18	
	Northern Arakan	In 1871	10	21	31	40	20	19
		In 1872	3	38	41	68	18	18
		Increase		17	10	22		27
		Decrease	7				2	

Divisions.	Names of Districts.		Number of offences reported during 1872. Non-bailable.	Bailable.	Total.	Number of persons brought to trial.	Number acquitted.	Number convicted.
Pegu.	Rangoon	In 1871	968	1,741	2,704	5,407	3,288	2,003
		In 1872	1,186	1,647	2,833	4,280	2,473	1,674
		Increase	228	..	129	..	..	..
		Decrease	..	94	..	1,127	815	329
	Bassein	In 1871	879	1,547	2,426	3,359	1,975	1,783
		In 1872	945	1,732	2,677	4,488	1,898	2,316
		Increase	66	185	251	629	..	533
		Decrease	..	..	..	..	77	..
	Henzada	In 1871	2,273	2,021	4,294	5,420	1,693	3,497
		In 1872	1,831	2,160	3,991	5,330	2,106	3,152
		Increase	..	139	..	..	413	..
		Decrease	442	..	303	90	..	345
	Prome	In 1871	2,050	2,264	4,314	4,970	2,193	2,736
		In 1872	1,347	2,338	3,685	5,246	2,265	2,939
		Increase	..	74	..	276	72	203
		Decrease	703	..	629	..	..	..
	Thayetmyo	In 1871	611	840	1,451	2,104	869	1,197
		In 1872	516	1,153	1,669	2,528	1,102	1,393
		Increase	..	313	218	424	233	196
		Decrease	95	..	..	..	..	..
Tenasserim.	Amherst	In 1871	346	1,470	1,816	2,538	1,396	1,098
		In 1872	245	943	1,188	2,826	1,157	1,621
		Increase	..	..	..	288	..	523
		Decrease	101	527	628	..	239	..
	Shwè-gyeen	In 1871	495	732	1,227	1,833	903	890
		In 1872	544	700	1,244	1,640	665	975
		Increase	49	..	17	..	..	85
		Decrease	..	32	..	193	251	..
	Toungoo	In 1871	206	673	879	1,372	750	619
		In 1872	238	807	1,045	1,570	874	680
		Increase	32	134	166	198	124	61
		Decrease	..	..	..	..	..	..
	Tavoy	In 1871	148	236	384	460	169	267
		In 1872	58	285	343	560	218	337
		Increase	..	49	..	100	49	70
		Decrease	90	..	41	..	..	..
	Mergui	In 1871	44	343	387	563	178	389
		In 1872	85	247	332	408	189	275
		Increase	41	..	..	..	16	..
		Decrease	..	96	55	95	..	114
	Salween	In 1871	..	..	..	..	..	..
		In 1872	70	52	122	109	20	79
		Increase	..	..	..	..	..	..
		Decrease	..	..	..	..	..	..
	Moulmein	In 1871	580	1,031	1,961	3,272	1,059	1,588
		In 1872	254	1,321	1,575	3,055	1,045	1,991
		Increase	..	..	..	..	..	403
		Decrease	76	310	386	217	614	..
	Total	In 1871	9,176	15,802	24,978	37,049	17,854	18,546
		In 1872	8,121	15,928	24,049	37,944	16,111	20,690
		Increase	..	126	..	795	..	2,144
		Decrease	1,055	..	929	..	1,243	..

3. These figures show that 24,049 offences were reported during the year 1872, as compared with 24,978 in the year preceding. There has, I believe, been a very marked decrease in crimes of violence during the past year; but the increase or decrease in crime in the several districts has no doubt received proper attention in the Report on the Police Administration, and need not be noticed here at length. The largest decrease in the number of non-bailable offences, viz. 703, is shown in the Prome District, and is attributed by the Deputy Commissioner to the good working of the police, and to heavy punishments awarded to habitual offenders, and to the orders requiring security for good behaviour. In the district of Henzada there was a decrease of 442, and the cause assigned is increased vigilance on the part of the magistracy and police. The largest increase in non-bailable offences reported during the year occurred in the Rangoon District, and amounted to 223 cases. It is obvious that increased activity on the part of the police may lead to an increase in the number of reported offences, for the Magistrate of the Rangoon District writes that "till lately a great deal of theft, and especially cattle theft, has never been reported."

Prome District.

Henzada

Rangoon.

4. It is satisfactory to observe in the district of Amherst a large decrease in the number of non-bailable offences. Complaints of petty offences, such as mischief, criminal trespass, insult, assault, are as often as not groundless, and occupy unnecessarily the attention of the courts. The Judge of the Town of Moulmein writes,—"There is a decrease of 310 bailable offences, owing to summonses being refused to some extent in all trumpery and petty cases of assault, for which no person of ordinary sense and temper would come to court."

Amherst

5. In the returns for the district of Akyab, the following entries attracted attention: 98 persons punished for disobedience to lawful orders, Section 188, Indian Penal Code; 102 for disobeying summonses, Section 174, Indian Penal Code. There is reason to think that these sections of the Penal Code are somewhat misunderstood, and indeed I have noticed convictions under Section 188 by Subordi-

Akyab.

nate Magistrates of the 3rd class who have no jurisdiction to try the offence made punishable by that section. As it is possible that these sections may be so used as to support the exercise of arbitrary authority, I have, as opportunity served, requested District Magistrates to call for occasionally the records of such convictions and examine them, with a view to report any illegality for the orders of my Court.

6. While the number of offences reported has decreased by 929, the number of persons brought to trial has increased by 795, and the proportion of convictions has risen from 50 to 52. This last proportion, though an improvement, is not so high as it should be, but is affected unfavourably not so much by the failure of prosecutions in heinous offences as by the institution of frivolous complaints. Thus, in the report for the district of Thayet, it is noticed that the proportion of acquittals to convictions in complaints of offences of assault, insult, criminal trespass, and hurt, was almost three to one; while in cases brought up by the police the proportion is reversed.

7. I have taken every opportunity to enjoin upon the Magistrates that they should strictly follow the law as laid down in Section 144 of the Code of Criminal Procedure in regard to the examination of the complainant before the issue of process for compelling the appearance of the accused, and in regard to the dismissal of complaints when, after examination of the complainant, there appears no sufficient ground for proceeding. Where complaints are so dismissed, the accused persons will not be entered among those brought to trial.

8. The next table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year :— Magisterial courts

Division	Names of Districts.	Number of persons under trial during the year	Discharged without trial	Acquitted.	Convicted	Committed.	Remaining under trial: In custody	Remaining under trial: On bail	Number of persons under trial at close of year whose cases have been pending over six weeks
Arakan	Akyab	3,681	955	501	2,072	44	3	11	1
	Ramree	1,507	487	285	825	10	5	1	
	Sandoway	408	58	56	293	1			
	Northern Arakan	68	4	18	40		.		.
Pegu	Rangoon	4,280	1,873	600	1,074	343	13	30	..
	Bassein	4,447	457	1,421	2,296	68	7	3	
	Henzada	5,330	384	1,722	3,152	55	13	2	
	Prome	5,140	1,898	367	2,830	16	10	1	1
	Thayetmyo	2,528	849	253	1,398	11	8		
Tenasserim	Amherst	2,826	404	753	1,621	25	3	20	10
	Shwé gyeen	1,640	416	239	975	6	1	2	
	Toungoo	1,544	301	564	662	13	2	3	2
	Tavoy	557	40	160	331	5	1		
	Mergui	465	55	134	272	3	1	.	
	Salween		12	9	73	15	.		
	Moulmein, Full Power Magistrate	3,055	508	447	1,991	10		4	
	Sub-Magistrates	24,410	6,518	5,507	12,061	314	20	49	
	Full Power Magistrates	10,088	2,014	1,446	6,271	225	31	93	11
	Magistrates	3,123	248	625	2,188	62	16	4	3
	Grand Total	37,651	8,800	7,578	20,515	631	67	86	14

9. The amount of criminal work varies greatly in the different districts. In each of the districts of Henzada and Prome over 5,000 persons were brought to trial. in the districts of Mergui and Sandoway less than 500. The number of persons brought to trial within the Sessions division of Pegu was treble the number brought to trial within the Sessions division of Tenasserim, and four times the number brought to trial within the Sessions division of Arakan. Largest amount of criminal work in the Pegu Division

10. The large number of persons entered as discharged without trial is very remarkable in some districts, as for instance in Rangoon, where out of 4,280 persons brought before the Magistrates, 1,873, or considerably more than one-third, are shown as discharged without trial. There is no doubt a difference in the mode of preparing the returns in this respect. Properly only persons discharged under Large number of persons discharged without trial accounted for.

Section 195 of the Code of Procedure, *i.e.*, where there are no sufficient grounds for committing the accused person to the Court of Session, or under Section 215, *i.e.*, where in "warrant cases" the evidence for the prosecution establishes no offence, should be shown as discharged without trial. The dismissal of a complaint in summons cases operates as an acquittal, and the accused person, when once he has been summoned to answer the complaint, should, if the complaint be dismissed, be shown as acquitted. I have taken occasion to explain this.

Proportion of persons convicted.

11. The proportion of persons convicted to the number brought to trial is high in the district of Sandoway, being 72 per cent. The district returns show that out of 148 persons brought to trial before the Magistrate of the District, only 12 were discharged or acquitted. In other words the proportion of persons convicted to persons brought to trial in his court was 91 per cent. In the courts of the Magistrates of Districts for the province generally the proportion was only 71 per cent. I noticed in a case which came before my Court in appeal, that Captain Fryer, who is, I believe, an officer of zeal and energy, took a more direct part in the details of the police investigation than is usual and, I think, desirable for the officer who has to undertake the duties of a Judge with power to award sentences of imprisonment up to seven years.

Remaining under-trial.

12. The number of persons shown as remaining under-trial at the close of the year is only 153: of these only 67 were in custody. The number left under trial in the district of Rangoon was 52, which is greatly above the average. None of these cases, however, it is reported, were of long standing; and I think there is no reason to complain that any of the Criminal Courts were behind hand with their business at the close of the year.

Report of and officer in the Henzada District not filing cases until ready to hear them.

13. It however has recently been reported from the district of Henzada that one of the Magistrates in the interior had caused his statements to represent incorrect results in this respect, by declining to take cases on his file which had been sent in by the police in December, until his health or his leisure enabled him to attend to them conveniently. The

case is awaiting the orders of the Chief Commissioner. Probably the Burmese Magistrates do not understand the importance which we attach to the correct preparation of returns, and except where they are carefully checked in the head-quarters office, their returns do not deserve implicit reliance.

14. The subjoined table shows the punishment inflicted by the different magisterial authorities. Table of sentences.

Divisions	Class of Tribunal	Persons sentenced to: Solitary confinement	Simple imprisonment	Rigorous imprisonment	Fine	Whipping	Persons ordered to: Give recognizance or security to keep the peace	Security for good behaviour	Amount of fine: Imposed. Rs. A. P.	Realized Rs. A. P.	Awarded as compensation Rs. A. P.
Ana-kan	Akyab	:	32	305	1,631	50	26	42	26,367 5 0	20,803 0 0	1,577 0 0
	Ramree	:	6	181	5,62	19	:	25	7,567 0 0	5,468 0 0	290 0 0
	Sandoway	:	2	90	151	6	:	82	2,707 8 0	2,128 3 3	450 0 0
	Northern Arakan	:	1	20	24		:	1	516 0 0	278 0 0	46 0 0
Pegu	Rangoon	:	19	641	933	24		116	36,365 12 0	19,215 4 2	1,514 3 0
	Bassein	:	22	544	1,569	83	11	68	20,553 0 0	14,767 3 0	2,380 8 0
	Henzada	:	16	967	2,020	54	3	81	50,953 0 0	27,931 0 0	3,468 0 0
	Prome	:	29	897	2,122	55		176	32,365 0 0	18,664 0 0	2,675 0 0
	Thayetmayo	:	4	317	1,028	20	:	24	22,810 0 0	10,690 0 0	1,900 0 0
Tenas-serim	Amherst	1	160	227	1 261	1	4	137	18,457 12 0	10,090 4 0	755 0 0
	Shwe-gyeen	:	3	291	627	13		96	18,121 0 0	6,734 15 11	1,414 4 8
	Toungoo	:	5	100	529	7	2	19	6,256 13 0	3,740 8 1	460 12 3
	Tavoy	:	1	71	240	1		8	2,576 0 0	1,753 0 0	508 8 0
	Mergui	:	5	31	283	1	:	2	2,886 12 0	1,636 12 0	163 12 0
	Salween	.		20	54	1	.	5	3,363 0	1,411 0	27 0 0
Total.	Moulmein	:	2	289	1,654	19	1	38	22,537 8 0	15,897 10 0	93 14 0
	Subordinate Magistrates	:	47	2,257	10,000	73		2	1,16,601 8 0	86,391 12 2	6,773 5 7
	Full Power Magistrates	1	136	1,728	3,968	186	..	459	1,16,042 12 0	61,904 10 11	8,092 13 0
	Magistrates		126	1,006	639	99	34	314	41,868 2 0	13,382 5 4	2,456 12 0
	Total	1	309	4,901	14,747	356	47	905	2,74,512 8 0	1,61,178 12 5	17,522 14 7
	As compared with 1871	2	254	4,543	12,504	361	42	329	2,50,973 5 5	1,46,423 1 1	15,049 9 0

Simple Imprisonment.

15. 309 persons were sentenced to simple imprisonment during 1872, as compared with 234 in the previous year. The increase is remarkable, because imprisonment in default of security may, under the new Code of Procedure, be rigorous or simple as the court may direct. It is due, as will be seen from the table, to the large number of persons sentenced to simple imprisonment in the district of Amherst. No explanation is given in the report from that district of the reasons why recourse was had to this description of imprisonment in so many cases.

Persons fined

16. It may be noticed that while 2,300 persons were sentenced to imprisonment by the Subordinate Magistrates, four times that number of persons were sentenced to fine. Mr. Forbes, Deputy Commissioner of Shwè-gyeen, wrote on this subject,—"The number of persons sentenced to fine seems rather out of proportion in the Subordinate Courts. This may be attributed to the cases tried in those courts being principally petty cases punishable with fine, but also to the feeling on the part of the Subordinate Magistrates in distant out-stations that a fine of Rs. 50 would be greater punishment than an imprisonment for a month, of which fifteen days would often be spent in transmission to the sudder jail. One means of obviating this will be the erection of a sub-divisional lock-up, the proposition for which is being submitted to the Commissioner."

Want of Lock-ups for under-trial and short-term prisoners in the Districts

17. No doubt the construction of proper places for the confinement of prisoners under trial before the courts in the interior and those sentenced to short terms of imprisonment, is much to be desired, and measures are, I believe, in progress, or will be undertaken as soon as possible, to supply the want which has been brought to the notice of the Chief Commissioner. Probably, also, this want may induce the Magistrates in the interior to sentence to fine rather than imprisonment; but the cases which for the most part are brought before them are better met with a sentence of fine; and I think the Burmese Magistrates, even in cases which call for the sharper penalty of imprisonment, incline to settle the matter by the imposition of a fine within the

means of the offender. Thus Major Sladen, the Deputy Commissioner of Amherst, notices that while 967 persons were fined by the Extra Assistant Commissioners of his district during the past year, only 59 were sentenced to imprisonment.

Whipping

18. The penalty of whipping is seldom used in some districts; indeed there is a small decrease in the number of sentences of whipping awarded during 1872, as compared with the preceding year. I think that the Magistrates might well make more use of the provisions of the Act, not only to correct juvenile offenders, but also to add to the penalty of imprisonment in the case of hardened offenders, and especially when certain crimes become the curse of the country, as cattle theft is reported to be in Rangoon and Henzada.

Amount of fines realized.

19. Out of Rs. 2,74,512 imposed as fines, only Rs. 1,61,178 were realized. In some courts the proportion is very low. In the Court of Mr. Midwinter, for instance, the Assistant Commissioner of the Rangoon District, fines to the extent of Rs. 10,671 were inflicted, while only Rs. 1,270 were realized. On the other hand where pains are taken to carry out the intention of the law in this matter, as in the Court of Mr. Buckle, Town Magistrate of Akyab, out of Rs. 14,097 imposed in fine, Rs. 10,127 were realized. The district of Akyab shows best in this respect, Rs. 20,863 being realized out of Rs. 26,367 imposed.

Imposition and realization of fines.

20. Mistaken ideas on the subject, both of the imposition and realization of fines, have been found to prevail. As to the imposition, it is not uncommon in the case of offences punishable with fine only, to impose a heavy fine beyond the means of the offender, with the view, it is apprehended, that the offender should undergo the period of imprisonment, which the law allows the Magistrate to impose, not as an alternative punishment for the offence, but as a punishment for non-payment of the fine. Such a practice defeats the law in two respects,—in the first place, an offence made punishable with fine only is punished with imprisonment, and in the second place, the offender is punished for not paying a sum which it is impossible for him to pay.

Persons unable to pay fines discharged after short imprisonment.

21. Then, as to the realization of fines once imposed, it has been thought erroneously that the fact of the offender having undergone imprisonment discharges him from liability to pay the fine. This is of course a mistake; the fine may be levied at any time within six years after passing the sentence: for that period his property is charged with a liability which is no way affected by imprisonment of the person. And to allow the defender to discharge this liability by suffering imprisonment, is to give him the power to choose his own punishment,—a result quite different from the intention of the law.

In cases of imprisonment and fines, fines not realized till discharged.

22. And, again, it is the practice in some courts where a sentence of both imprisonment and fine is passed, not to realize the fine until the expiration of the period of imprisonment; and thus the balance of unrealized fines is shown as larger than it eventually turns out to be, or than it ought ever to be, if proper measures were taken for carrying out the sentence of the court when passed.

Process provided for levy of fines.

23. The process which the law has provided for the levy of fines is distress and sale of the movable property belonging to the offender; and in case of non-payment, the court should issue a warrant for the levy of the fine by this process, whether or not the sentence awards imprisonment as well as fine, unless for any reason the court may think fit to defer the issue of the warrant.

When fining officers should have regard to means of offender.

24. I have endeavoured to impress these views upon the Magistrates, by pointing out that in passing sentences of fine they should have regard, as far as knowledge is available, to the means of the offender; and that when a fine is once imposed, they should use all diligence in realizing it according to the process provided by the law.

This rule observed more satisfactory by Subordinate Magistrates.

25. It may be observed that in the Courts of the Subordinate Magistrates the results in this respect are far more satisfactory than in the Courts of the Magistrates with full powers. For out of a sum of Rs. 1,16,601 imposed as fine in the courts of the former, a sum of Rs. 85,391, or 74 per cent., was realized; while out of Rs. 1,57,910 imposed in the Courts of the Magistrates with full powers, only Rs. 75,786, or 48 per cent., were realized. The main

cause of this is no doubt that in the majority of the cases disposed of by the subordinate magistracy, the sentence awarded is a small fine easily payable. But it is also true that in the courts of the latter, the intention of the law, that the fine should be apportioned to the means of the offender, is complied with more than in the courts of the higher Magistrates.

Small amount of fines awarded as compensation.

26. Out of a sum Rs. 2,74,512 imposed as fines, Rs. 17,522 only were awarded as compensation to complainants In some courts the very salutary provision of the law in this behalf seems to have been lost sight of. By the Town Magistrate of Moulmein fines were imposed to the amount of Rs. 22,337, but only Rs. 93 were paid in compensation. It is almost impossible to suppose that there were not many other cases in which the court, while punishing the crime against society, could also have compensated the person injured. The Subordinate Magistrates, it is observed with regret, do not avail themselves of this power of compensation so often as the Magistrates with full powers. They may have a mistaken notion, as indeed has been mentioned to me in conversation, that it is their duty to credit the full fine to Government.

Security required for good behaviour.

27. In the districts of Prome, Amherst, and Rangoon large use was made by the Magistrates of their preventive jurisdiction in requiring security for good behaviour. 176 person were so called upon in the district of Prome. The exercise of this jurisdiction may no doubt prove of great service in the administration of a district, but it is especially liable to abuse, unless the Magistrate makes sure of the grounds upon which he acts. Such orders when passed by the Magistrate of the District are not open to appeal.

In two cases required by Magistrates without jurisdiction

28 I notice that two cases are entered in which orders requiring security for good behaviour have been passed by Subordinate Magistrates, who must have acted without jurisdiction. Inquiry will be made into this.

Duration of witnesses.

29. The next table shows the detention of witnesses and the average duration :—

Divisions.	Districts.	Class of Tribunals.	Number of witnesses discharged after 1 day	2 days	3 days	More than 3 days.	Average duration of cases: For previous year.	For year under review.
							Days.	Days.
Arakan.	Akyab ..	Subordinate Magistrates. ..	2,004	86	2	..	2	2
		Full Power Magistrates ..	1,546	181	25	..	7	6
		Magistrate of the District..	100	19	9	..	8	6
	Ramree ..	Subordinate Magistrates ..	1,851	114	47	89	3 5	2 3
		Full Power Magistrates ..	..	.	.	..	..	..
		Magistrate of the District..	218	35	9	12	5 7	5 1
	Sandoway ..	Subordinate Magistrates ..	700	17	6	..	6·10	2·6
		Full Power Magistrates ..	..	..	..	.	..	..
		Magistrate of the District..	151	18	2	3	5	3
	Northern Arakan ..	Subordinate Magistrates ..	17	5	3	1	2·5	1 07
		Full Power Magistrates ..	..	..	..	..	..	..
		Magistrate of the District..	8	8	..	4	3 61	4 02
Pegu.	Rangoon ..	Subordinate Magistrates ..	2,758	949	241	214	8	10
		Full Power Magistrates ..	647	545	264	122	4	14
		Magistrate of the District..	190	41	22	3	7	7
	Bassein ..	Subordinate Magistrates ..	3,202	539	424	104	4	3
		Full Power Magistrates ..	1,864	36	1	..	6	4
		Magistrate of the District..	224	45	110	5	3	4
	Henzada ..	Subordinate Magistrates ..	4,060	757	308	802	4	4
		Full Power Magistrates ..	1,029	429	145	79	4	3
		Magistrate of the District..	82	19	15	3	3	4
	Prome .	Subordinate Magistrates ..	4,346	238	118	155	3·5	3·6
		Full Power Magistrates ..	3,132	104	226	123	6	5
		Magistrate of the District..	537	71	20	18	4	5
	Thayet-myo ..	Subordinate Magistrates ..	2,260	459	301	53	5	4
		Full Power Magistrates ...	..	..	..	..	.	..
		Magistrate of the District..	771	40	6	2	8	6
Tenasserim.	Amherst ..	Subordinate Magistrates ..	1,388	297	36	1	8·5	4
		Full Power Magistrates ..	741	223	99	68	5	7
		Magistrate of the District..	224	11	..	.	6	4
	Shwé-gyeen.	Subordinate Magistrates ..	856	173	404	..	2	3
		Full Power Magistrates ..	560	..	..	..	4	4
		Magistrate of the District.	721	59	..	..	3	5
	Toungoo ..	Subordinate Magistrates ..	1,703	137	47	6	2·4	4·1
		Full Power Magistrates ..	..	..	..	..	..	..
		Magistrate of the District..	110	20	..	..	2·2	3·7
	Tavoy ..	Subordinate Magistrates ..	764	5	..	..	5·5	..
		Full Power Magistrates ..	..	..	..	..	..	.
		Magistrate of the District..	128	15	..	..	7	3
	Mergui .	Subordinate Magistrates ..	605	..	..	.	2	2
		Full Power Magistrates ...	.	.	..	..	..	..
		Magistrate of the District..	207	34	6	..	2	2
	Salween ..	Subordinate Magistrates ..	6	..	..	..	..	4
		Full Power Magistrates ..	..	..	..	..	.	.
		Magistrate of the District...	147	4	..	..	..	6
	Moulmein ..	Full Power Magistrates ..	1,887	726	339	195	3	3
	Total..	Subordinate Magistrates ..	26,515	3,830	1,997	1,424	5·37	3·5
		Full Power Magistrates ..	11,843	2,882	1,139	587	5	5 7
		Magistrates	3,721	430	199	50	4·8	4·5
		Total ..	42,079	7,142	3,335	2,061	5·05	4 4
		As compared with 1871 ..	39,005	5,820	2,095	1,645	.	..

30. 54,627 witnesses were examined during 1872, as compared with 48,565 examined in the previous year. The results as to the period of their detention are not so satisfactory, even as they were for 1871; but this is, I think, due to a more correct method of keeping up the registers rather than to any falling off in regularity.

Result though not showing satisfactorily more correct.

31. Mr. Forbes, the Deputy Commissioner of Shwè-gyeen, writes that "the figures in this table are altogether fallacious. I find that as in very court of which I have taken over charge, the detention of witnesses have been only reckoned from the day the case is called by the Magistrate for hearing, instead of from the first day the witnesses attend court. It is simply impossible, as I know by experience, even with the most expeditious working, to prevent some witnesses, if only a few, being detained three or four days, and much more so in the District Magistrates' (who has at times a press of other work) than in the Subordinate Courts. The register of attendance is now being properly kept; but the want of uniformity of system tells unfairly against an officer who carries out the alteration, and appears thus more dilatory than his predecessor."

Deputy Commissioner of Shwè-gyeen reports figures as fallacious.

32. This account of the mode in which the period of detention has been reckoned agrees with the result of my own examination of the registers of the various courts, except in cases where the Magistrate himself insists upon correct entries. I have pointed out the error on every occasion in which I found it to exist, and have directed that the Court Inspector, or other officer who performs his duties in each court, should be charged with the duty, either of himself entering the name of each witness as his arrival in court is reported, or of reporting the arrival to the officer who keeps the register. In any case the entry of arrival should be initialed by the Court Inspector, and should be made on the commencement of the business for the day, before the examination of the witnesses. After examination the date of discharge will be entered; and the entries for each day should be invariably initialed and occasionally verified by the presiding officer.

Error of reckoning pointed out.

Report from Henzada shows the worst.

33. The return for the district of Henzada, showing 802 witnesses discharged after more than 3 days' attendance, is the worst. Mr. Ireland, the Deputy Commissioner, has properly noticed the shortcomings of his subordinates in this respect. He reports that in one Court, that of Moung Poo, Extra Assistant Commissioner of Tapoon, seven witnesses were detained for 28 days, and eleven for 15 days or more. Mr. Ireland is of opinion that the detention results, in the case of the Burmese officials, from pure laziness and absence of an honest desire to perform the very important duties assigned to them by the Government. I think certainly that for the detention of witnesses in the courts of the Magistrates in the interior, there can seldom, if ever, be any excuse, as their judicial work is generally very light. But I also think that their failure is due not so much to an absence for a desire to do their duty, as to their want of perception of the importance of regularity and punctuality in the discharge of judicial business. I have lost no opportunity to point out that there is nothing which tends to render the administration of justice more unpopular than indifference to the convenience of complainants and witnesses.

From Bassein shows the best.

34. The return which shows best is that for the Full Power Magistrates in the district of Bassein, in which are entered 1,864 witnesses discharged after one day's attendance, 36 after two days, and 1 after three days' attendance. But on my visit to the courts in this district in September 1872, I found no register kept up of the attendance of witnesses, and it can hardly be expected that this return is correct.

Average duration

35. The duration of cases being four days on an average for all the magisterial courts in the Province (exclusive of course of those in the town of Rangoon), is perfectly satisfactory, assuming that the returns are correct. It is too long (ten days) in the courts of the Subordinate Magistrates of the Rangoon District. Captain Street writes,—" As regards the average duration of cases compared with the previous year, the result would appear to be unsatisfactory, but that it is known that the returns of the previous year were incorrect. There should not, however, be such delay as is now shown, for the cases in the

Subordinate Magistrate's Courts are simple, and should be disposed of at once."

36. In the subjoined table is shown the number of appeals from Subordinate Magistrates, and the mode in which they were decided by the Magistrate of the District or other officer empowered to hear appeals. Appeals from Subordinate to District Magistrates.

Divisions.	Districts.	Class of Tribunals.	Number of persons convicted.	Sentence was confirmed or appeal rejected.	Sentence was modified	Sentence reversed or proceedings quashed.	Percentage of reversals to convictions.
Arakan.	Akyab ..	Subordinate Magistrates.	753	19	6	4	1·3
	Ramree ..	Ditto ditto ..	383	8	3	..	.
	Sandoway ..	Ditto ditto ..	158	1	..	..	..
	N. Arakan ..	Ditto ditto ..	..	..	..	..	..
Pegu.	Rangoon ..	Ditto ditto ..	1,031	29	7	27	2·
	Bassein ..	Ditto ditto ..	809	19	9	14	1·7
	Henzada ..	Ditto ditto ..	1,038	12	1	12	1·15
	Prome ..	Ditto ditto ..	1,332	8	..	12	·9
	Thayetmyo ..	Ditto ditto ..	1,188	20	3	23	1·93
Tenasserim.	Amherst ..	Ditto ditto ..	1,193	15	..	9	·7
	Shwè-gyeen	Ditto ditto ..	572	2	2	1	17
	Toungoo ..	Ditto ditto ..	446	14	8	7	3·4
	Tavoy ..	Ditto ditto ..	228	10	2	4	4·24
	Mergui ..	Ditto ditto ..	95	..	1	..	..
	Salween ..	Ditto ditto ..	..	..	..	..	..
		Total ..	9,220	157	42	113	1 2
		As compared with 1871 ..	10,954	156	66	185	..

37. This statement shows that out of over 9,000 persons convicted by Subordinate Magistrates, only 312, or not 4 per cent. appealed. This is a similar result to that shown in the report for 1871, and is in my opinion a very remarkable result. In the district of Sandoway there was only one appellant: in the district of Shwè-gyeen only five. In Prome out of 1,332 persons convicted by the lower Magistrates, only 20 appealed to the Court of the District Magistrate. In my opinion the explanation is, that the sentences passed are mostly petty fines, that the person punished is generally conscious of having committed some offence, and that although the appeal might perhaps be successful in many cases, on the Number remarkably low.

ground of irregularity, it is not worth while for the person sentenced to appeal.

More than half the appeals successful.

38. It should be remarked that out of 312 persons who did appeal, 158, or more than half, succeeded in obtaining an alteration or a reversal of the sentence passed. The largest number of successful appeals was in the Rangoon District: and it should be mentioned that out of 21 appeals made from convictions by Moung On, in only 5 were the sentences confirmed.

Work of the Courts of Sessions.

39. The work of the Courts of Sessions is shown below.

Divisions.	Designation of Judge.	Number of persons brought to trial including cases pending from last year.	Number of persons acquitted	Number of persons convicted.	Number of capital sentences referred for confirmation by Judicial Commissioner.	Average duration of trials.	Number of persons whose cases were left undisposed of at the end of the year.	Number of persons whose cases have been pending for more than three months from date of commitment.	Number of cases in which Judge agreed with Assessors	Number of cases in which Judge disagreed with Assessors.
						Ds.				
Arakan.	Deputy Commissioners of: Akyab ..	7	2	5	..	9	..	..	7	.
	Deputy Commissioners of: Ramree ..	14	9	5	..	22	..	..	10	..
	Deputy Commissioners of: Sandoway ..	13	1	12	..	5	..	..	7	..
	Superintendent of Hill Tribes, Northern Arakan ..	2	2	..	..	9	..		..	2
	Commissioner and Sessions Judge ..	50	19	17	11	37	3	1	22	2
Pegu.	Deputy Commissioners of: Rangoon ..	30	14	16	..	27	..	.	10	5
	Deputy Commissioners of: Bassein ..	41	20	20	..	22	1	..	16	55
	Deputy Commissioners of: Henzada ..	49	12	37	..	10	..	..	11	5
	Deputy Commissioners of: Prome ..	46	20	26	..	41	..	..	25	
	Deputy Commissioners of: Thayetmyo..	56	†20	34	..	10	2	..	16	1
	Commissioner and Sessions Judge ..	130	18	94	17	70	7	5	48	12
Mergui. Tenasserim.	Deputy Commissioners of: Amherst ..	26	15	11	..	7	..	..	4	4
	Deputy Commissioners of: Shwé-gyeen.	13	8	5	..	25	..	..	6	.
	Deputy Commissioners of: Toungoo ..	26	8	18	..	8	..	..	2	5
	Deputy Commissioners of: Tavoy ..	8	..	8	..	5	..	..	2	1
	Deputy Commissioners of: Mergui ..	8	..	3	..	3	..	..	8	..
	Assistant Commissioner, Salween ..	..	..	..	..	..	..	..	..	..
	Commissioner and Sessions Judge ..	*55	19	23	10	52	1	1	19	5
	Recorder of Moulmein ..	8	4	4	..	16	..	..	..	..
	Judge of Moulmein ..	7	4	1	..	17	2	..	..	..
	Total..	585	195	334	38	20	16	7	208	61
	compared with 1871..	591	154	347	30	16	48	11	172	64

* One discharged without trial.
† Two died in jail.

40. 136 persons were brought to trial during the year in the Court of Session for the division of Pegu, as compareed with 61 during the previous year. The work of the Pegu Courts considerably exceeded that brought before the two Sessions Court of the Arakan and Tenasserim Divisions. Pegu.

41. These three Courts and that of the Judge of the Town of Moulmein, are, since the introduction of the new Code of Criminal Procedure, the only courts which try accused persons at Courts of Session; but the statement for the past year includes the work of Deputy Commissioners who, under the former procedure, tried cases at Courts of Session whenever they exercised the enlarged powers with which they are in this Province vested, for the trial of cases triable elsewhere exclusively by a Court of Session. Deputy Commissioners tried under these powers 344 persons out of 585 committed to Courts of Session during the past year. The Deputy Commissioner of Thayetmyo tried more persons at Courts of Session than were tried at the Courts of Session proper for the Arakan and Tenasserim Divisions. The statement includes the work of Deputy Commissioners.

42. The large proportion of convictions (94 to 18 acquittals), in the Court of Session for Pegu, may be noticed.

43. The average duration of sessions trials before the Divisional Courts of Session, varying from 70 days in the Pegu Court to 37 in the Arakan Court, will appear long; but the duration is reckoned from the date of commitment, and depends mainly upon the chance whether or not commitments are made shortly after the circuit of the Sessions Judge. Duration of trials.

44. It is noticeable that in 203 out of 264 cases the Sessions Judge, or the Deputy Commissioner presiding at the Court of Session, concurred in the opinion of the assessors. Assessors' opinion concurred in generally.

Punishments inflicted.

45. The various punishments inflicted by Courts of Sessions were as follows:—

Divisions.	Designation of Judge.	Persons sentenced to: Death.	Transportation: For life.	Transportation: For term.	Imprisonment, Rigorous: Over 7 years	Imprisonment, Rigorous: 7 years and under	Imprisonment, Simple: Over 7 years.	Imprisonment, Simple: 7 years and under	Solitary confinement.	Fine.	Whipping	Amount of fine: Imposed.	Realized.	Awarded as compensation
Arakan	Deputy Commissioner of Akyab	..	..	..	..	5	..	.	..	..	..	..	.	.
	Deputy Commissioner of Ramree	..	..	..	..	4	..	..	..	3	..	360	122	50
	Deputy Commissioner of Sandoway	..	..	..	..	11	..	.	..	..	1	1,200	1,200	200
	Superintendent of Hill Tribes, Northern Arakan	..	..	..	..	.	..	..	..	..	..	..	..	.
	Commissioner and Sessions Judge	11	1	..	2	14	..	..	..	.	..	..	..	.
Pegu.	Deputy Commissioner of Rangoon	..	..	..	..	16	..	..	..	1	..	500	.	.
	Deputy Commissioner of Bassein	..	..	..	..	20	..	..	..	1	..	200	200	..
	Deputy Commissioner of Henzada	..	..	..	..	37	..	..	..	1	..	200	.	.
	Deputy Commissioner of Prome	..	..	..	..	25	..	..	..	1	..	5	5	..
	Deputy Commissioner of Thayetmyo	..	..	2	..	32	..	..	..	12	..	2,580	50	..
	Commissioner and Sessions Judge	17	26	7	9	35	..	..	..	9	..	2,682	..	..
Tenasserim.	Deputy Commissioner of Amherst	..	..	..	..	10	..	..	..	..	1	.	..	..
	Deputy Commissioner of Shwè-gyeen	..	..	..	..	4	..	..	..	.	1	3,000	..	..
	Deputy Commissioner of Toungoo	..	..	..	..	17	..	..	..	1	..	200	.	..
	Deputy Commissioner of Tavoy	..	..	..	..	3	..	..	..	..	..	.	..	..
	Deputy Commissioner of Mergui	..	..	..	..	2	..	..	..	..	1	..	..	..
	Assistant Commissioner, Salween	..	..	..	.	..	..	..	..	.	..	..	..	..
	Commissioner and Sessions Judge	10	10	..	1	12	..	..	..	.	..	..	..	..
Moulmein.	Recorder of Moulmein	..	.	..	1	3	..	..	1	.	..	..	..	..
	Judge of Moulmein	..	..	..	..	1	..	..	.	.	.	.	..	..
	Total	38	37	9	13	251	..	..	1	29	4	10,927	1,577	250
	As compared with 1871	30	43	5	32	244	..	..	..	22	..	10,300	1,683	..

46. 38 sentences of death and 37 sentences of transportation for life were passed during the year; the capital sentences were 8 more in number than those passed in 1871. 61 sentences within the competence of the Deputy Commissioners were passed at the Divisional Courts of Session. Death and transportation.

47. Except by the Deputy Commissioners of Sandoway and Bassein small efforts appear to have been made to realize the fines inflicted under sentences of the Courts of Session. These Courts should, I think, make use of the process provided by the law in this respect, viz., the issue of a warrant for the levy of the amount by distress and sale. Fines not levied

48. Nor have these courts availed themselves to any considerable extent of the provisions of Section 308 of the Code of Procedure for the compensation of injured persons. Compensation not awarded

49. The result of appeals from Magistrates to the Court of Session was as follows:— Appeals from Magistrates to Court of Session.

Divisions.	Name of Magistrate from whose decision the appeal was preferred		Number of persons convicted by him in appealable cases.	Number of persons whose sentences where confirmed or appeals rejected.	Number of persons whose sentences were modified	Number of persons whose sentences were reversed or proceedings quashed.
Arakan.	Mr W DeCourcy Ireland	Akyab ..	8	5	..	..
	Lieut -Col H N Davies		13	1	..	..
	Captain C. H. A. Gower		30	3	..	1
	Mr W C Midwinter ..		92	1	..	..
	Mr H Buckle	Magistrate, Akyab Town	900	86	8	19
	Col. C. P. Hildebrand, ..	Ramree ..	130	2	..	.
	Captain G E. Fryer	Sandoway ..	135	21	9	14
Pegu	Lieut -Col H N. Davies ..	Rangoon ..	..	3	..	3
	Captain C. W. Street .. .		..	6	..	..
	Lieut G. Alexander .. .		..	9	4	2
	Mr W. C. Midwinter . ..		..	9	2	2
	Mr S F. A Smith		..	16	4	10

Divisions	Name of Magistrate from whose decision the appeal was preferred.		Number of persons convicted by him in appealable cases.	Number of persons whose sentences were confirmed or appeals rejected.	Number of persons whose sentences were modified.	Number of persons whose sentences were reversed or proceedings quashed.
Pegu.—(Concluded.)	Captain W. W. Pemberton	Bassein	..	2	..	..
	Lieutenant T. J Baynes	Bassein	..	10	2	1
	Captain C. J. F. S. Forbes	Bassein	..	1	1	.
	Captain W. C. Plant	Henzada	..	8	..	..
	Mr. W. DeCourcy Ireland	Henzada	..	3	.	1
	Lieutenant J. Butler	Henzada	..	4	1	1
	Lieutenant M C. Poole	Henzada	..	1	..	..
	Captain C. W. Street	Prome	..	3	..	1
	Captain H. R Spearman	Prome	..	0	1	..
	Lieutenant M. C. Poole	Prome	..	3	1	..
	Lieutenant G. F Thorp	Prome	..	15	1	4
	Mr. J. Hind	Prome	..	3	.	..
	Mr E. Richardson	Prome	..	14	..	1
	Lieut.-Col. H A. Browne	Thayetmyo	..	9	..	..
Tenasserim.	Colonel E. M. Ryan	Amherst	188	5	..	2
	Major E. B. Sladen	Amherst		5	..	2
	Mr. G. E. Barr	Amherst		2	1	2
	Mr. E. Richardson	Amherst		2	..	3
	Mr J. C. Davies	Amherst		1	..	..
	Colonel E. J. Spilsbury	Tavoy	90	2	..	..
	Major W. Munro	Mergui	188	3	..	..
	Mr. J. K. Macrae	Shwé-gyeen	329	12	1	4
	Mr C. J. F. S. Forbes	Shwé-gyeen		1	..	..
	Mr. C. J. Duke	Shwé-gyeen		7	1	1
	Mr. F. S. A. Smith	Shwé-gyeen		..	..	3
	Major M Lloyd	Toungoo	126	..	..	..
	Mr. A. H. Hildebrand	Salween	39	1	..	..
	Mr. J. K Macrae	Magistrates of the Town of Moulmein.	10	..	..	1
	Mr. G. E. Barr	Magistrates of the Town of Moulmein.	108	12	..	2
	Leutenant J. Butler	Magistrates of the Town of Moulmein.	218	31	3	15
		Total	*	323	40	101

* The total cannot be supplied owing to a mistake in the preparation of the returns from the Pegu Division.

50. 464 persons appealed from convictions by Magistrates to Courts of Session, as compared with 299 in the previous year. The number of appellants was largest in the Town of Akyab, viz. 113, or 12 per cent. in the number convicted. But the proportion of appellants to persons convicted was larger from the decisions of Mr. Butler, Town Magistrate of Moulmein, where 22 per cent. of the persons convicted appealed. This result is what might be expected from the character of the population of those towns. Akyab. Moulmein.

51. Out of the 464 appellants, 141, or 30 per cent. succeeded in obtaining an alteration in their sentences. The proportion of sentences passed by Captain Fryer, Deputy Commissioner of Sandoway, which were reversed or modified on appeal, is high; out of 44 persons who appealed, 23 persons or 52 per cent, were successful. Also from the decisions of Mr. S. Smith appeals were successful; against 36 sentences passed by him appeals were preferred, and 20 of these, or 55 per cent. were reversed or modified. Of Mr. Buckle's sentences only 22 per cent. were altered. Sandoway. Mr. Smith. Mr. Buckle.

52. The work of the Appellate Courts in shown in the sudjoined table. Work of the Appellate Courts.

Division.	Designation of Tribunal and name of Judge or Magistrate.	Number of appeals preferred including those pending from previous year.	Number decided.	Number returned for further inquiry	Average duration of appeal.	Number left pending at close of year.	Of these pending for more than six weeks.
					Days.		
Arakan	Mr. W DeC. Ireland, Dy. Commr., Akyab ..	6	6	..	30	..	..
	Lieut.-Col H N. Davies, ditto ditto ,	7	5	..	27	..	..
	Capt. C. H A. Gower, ditto ditto ..	8	8	.	30	2	..
	Lieut.-Col C. P Hildebrand, ditto, Ramree	11	11		6	..	..
	Capt G. E. Fryer, ditto, Sandoway	1	1	..	32	..	..
	Capt W. G Hughes, Supdt., Hill Tracts ..	.	..	..	..	..	..
	Col J. F. J Stevenson, Sessions Judge ..	80	79	1	10	..	..
	Lieut Col H N. Davies, Offg. ditto ..	12	11	..	4	1	..
	Carried forward.	120	110	1	130	3	..

Division.	Designation of Tribunal and name of Judge or Magistrate.	Number of appeals preferred including those pending from previous years.	Number decided.	Number returned for further inquiry.	Average duration of appeals.	Number left pending at close of year.	Of these pending for more than six weeks.
					Days.		
	Brought forward ..	120	116	1	139	3	..
Pegu.	Capt C. W. Street, Dy Commr., Rangoon..	85	85	..	20	..	..
	Capt. W. W. Pemberton, ditto, Bassein ..	26	26	..	17	..	..
	Mr. W. DeCourcy Ireland, ditto, Henzada..	28	23	..	2	5	..
	Capt. H. R. Spearman, ditto, Prome ..	10	10	..	19	..	..
	Lieut.-Col. H. A. Browne, ditto, Thayetmyo	35	34	..	5	1	..
Tenasserim.	Col. R. D. Ardagh, Sessions Judge ..	154	134	..	21	20	..
	Major E. B. Sladen, Dy. Commr., Amherst ..	13	13	..	4	..	..
	Col. E. J. Spilsbury, ditto, Tavoy ..	16	16	..	8	.	
	Major W Munro, ditto, Mergui ..	1	1	..	6	..	.
	Mr C. J. F. S. Forbes ditto, Shwè gyeen..	5	5	..	7	..	..
	Major M. Lloyd ditto, Toungoo ..	15	15	..	3	..	.
	A. H. Hildebrand, Asst. Commr., Salween ..	..	..	..	..	..	..
	Colonel D. Brown, Sessions Judge	50	45	1	27	4	.
	Mr. J. Coryton, Sessions Judge	2	2	..	3	..	..
	Major A. G Duff ditto	29	29	..	11	..	..
	Total ..	539	504	2	13·9	33	..

Pegu.

53. It will be seen that the appellate business, as well as the original trials before the Court of Sessions for the Division of Pegu, exceeded that before the other two Divisional Courts.

Duration of appeals.

54. The average duration of appeals is too long, I think, in some of the District Courts, especially Akyab, were it amounted to 30 days. In the Thayetmyo Court it was only 5 days, and in Mr. Ireland's

Court at Myanoung only 2 days, although while he was at Akyab he contributed to the long average duration. It may be noticed that the duration of appeals in the Court of Sessions will probably be considerably increased by the provisions in the new Code of Procedure which requires notice of appeals to be given to the Magistrate of the District, with a view to the introduction of the Public Prosecutor or Government Advocate.

55. In the subjoined table is shown the work of the Court of the Judicial Commissioner:— Court of the Judicial Commissioner.

Name of District or Division	Name of Deputy Commissioner or Sessions Judge.	Number of cases appealed or called for	Number of sentences confirmed	Number modified	Number of persons acquitted.	Number of cases referred for confirmation of capital sentences	Number of capital sentences confirmed	Number modified	Number of persons acquitted	Remarks
Pegu Division	Colonel R. D Ardagh	20	16	4	10	11	12	1		2 cases pending at the end of the year
Tenasserim ditto	Colonel D Browne	4	3		1	6	11	1		
Arakan ditto	Colonel J F J Stevenson	*12	13	1	5	*7	7		4	
	Lieutenant Colonel H N Davies	3	2							1 ditto ditto
Rangoon District	Lieutenant-Colonel H N Davies	1	1							
	Captain C W Street	3	2							1 ditto ditto.
Prome ditto ..	Captain C W Street	6	5	1	1					
	Carried forward	49	42	6	16	24	30	2	4	

* 3 cases remanded for new trial.

Name of District or Division	Name of Deputy Commissioner or Sessions Judge.	Number of cases appealed or called for	Number of sentences confirmed.	Number modified.	Number of persons acquitted.	Number of cases referred for confirmation of capital sentence.	Number of capital sentences confirmed.	Number modified.	Number of persons acquitted	Remarks.
	Brought forward ..	49	42	6	16	24	30	2	4	
Bassein District	Captain W W. Pemberton	7	8	..	..	..	..	..	..	
Henzada ditto	Captain W. C. Plant	4	8	..	3	..	..	..	..	
	Mr W DeCourcy Ireland	5	7	1	1	..	..	..	..	1 case pending at the end of the year
Prome ditto	Captain H R. Spearman	6	4	..	2	..	..	..	..	1 ditto ditto.
Thayetmyo ditto .	Lieutenant-Colonel H. A. Browne	8	10	..	2	..	..	..	..	
Amherst ditto	Major E. B. Sladen	4	9	2	..	..	..	..	..	
Tavoy ditto	Lieutenant-Colonel E. J. Spilsbury	1	..	..	1	..	..	..	..	
Shwe-gyeen ditto	Major A. G Duff	2	1	..	1	..	..	..	..	
Moulmein ditto .	Major A. G. Duff	3	2	..	1	..	..	..	..	

Ramree ditto ..	Lieutenant-Colonel C. P. Hildebrand	3	2	1	..	..	..	..	..	
Sandoway ditto	Mr J. Treacy	2	..	1	1	..	..	..	..	
	Captain G. R. Fryer	2	2	..	..	..	..	..	..	
Akyab Town .	Mr. H. Buckle	4	4	..	4	..	..	..	..	
Prome District ..	Mr. J Hind	2	1	..	..	..	..	..	..	In 1 case proceedings were quashed
Myanoung ditto ..	Lieutenant M C. Poole	1	1	..	..	..	..	..	..	
Bassein ditto ..	Lieutenant T J. Baynes	1	..	..	2	..	..	..	..	
Moulmein ditto ..	Mr. G. E. Barr	1	5	..	..	..	..	..	..	
Pegu ..	Moung On	1	..	..	..	..	..	..	..	Proceedings quashed.
Ramree District ..	Moung Mea Thadoon	2	1	..	9	..	..	..	..	
Tavoy ditto ..	Moung Shwè Hlne	1	1	..	..	..	..	..	..	
Shwè-gyeen ditto	Moung Shwè Hmat	2	..	..	..	..	..	..	..	In 2 cases sentences were quashed.
	Assistant Commissioner of Sittang	1	..	..	..	..	..	..	..	1 ditto ditto.
Amherst ditto ..	Extra Assistant Commissioner of Zeeah	1	..	..	3	..	..	..	..	
Prome ditto ..	Ditto ditto of Mahathaman	1	..	..	..	..	..	..	..	1 case pending.
	TOTAL ..	113	108	11	46	24	30	2	4	

Exercised Criminal Jurisdiction throughout the year

56. The Court of the Judicial Commissioner has succeeded to the jurisdiction formerly exercised by the Court of the Chief Commissioner, which ceased to exist from the date of the passing of the Burma Courts Act, on the 5th April 1872. But in a Notification of the Government of India, dated 19th January 1872, the Judicial Commissioner was declared to be the authority for hearing criminal appeals, and for revising criminal sentences, except in regard to the Sessions Courts, within the limits of the Recorder's jurisdiction. The Judicial Commissioner has accordingly exercised Criminal Jurisdiction throughout the year.

Number of appeals

57. Sentences passed on 165 persons came before the Court of the Judicial Commissioner on appeal or revision; of these 46, or 28 per cent., were acquitted, and the sentences passed on 108 persons were confirmed.

Capital sentences reversed

58. 38 capital sentences were referred for confirmation; 30 were confirmed, and 4 persons capitally sentenced were acquitted.

Inspections held

59. In the course of the year I visited the criminal courts at all the head-quarter stations and several of the courts in the interior of districts throughout the Pegu Division, and the courts in the Tenasserim Division, with the exception of Shwè-gyeen and Toungoo. The result of my inspection has been in each case separately recorded, and made known to the authorities concerned.

Keeping of Records

60. For the most part the records have not been found in good order. Instructions have been given for their arrangement, but it cannot be expected that these will be completely carried out until the appointment of a Record-keeper, which has been recommended to, and approved by, the Chief Commissioner, has been made to each district.

General procedure.

61. I am glad to record that I have generally found the procedure correct in the courts of the Full Power Magistrates, and the criminal work up to date. In the Court of the Assistant Commissioner of Bassein I found considerable irregularity and want of method in the matter of taking up cases and examining witnesses.

62. From the same district was brought to light an abuse which probably prevailed everywhere. Even perhaps the officials of the court, but at any rate their friends and other persons hanging about the court, were allowed, as a regular system, to become sureties for persons admitted to bail, or called upon to give security for good behaviour. A certain commission was charged on the amount of the security bond, and a goodly income was thus reaped by persons attached to the courts at the expense of those summoned to answer a criminal charge, or called upon to give security. Orders have been given, which will, I hope, put a stop to a practice which must lead to all kinds of abuses.

Abuse of officials and friends, or systematically giving security.

63. I regret to record that it was found necessary to dismiss and try on a criminal charge an Extra Assistant Commissioner in the Bassein District, who has been found guilty of tampering with the records of his court. It was in his court that the existence of the abuse described in the preceding paragraph was first reported to me.

Dismissal of an Extra Assistant Commissioner in the Bassein District.

64. The want of any proper translation of the Code of Criminal Procedure has no doubt been the cause of many irregularities in the procedure of the Courts of the Extra Assistant Commissioners. That these courts give general satisfaction to the people is fairly inferred from the remarkable paucity of appeals from their decisions; that their proceedings are sometimes strangely irregular, and that they take cognizance of offences beyond their jurisdiction cannot, however, be denied; and indeed no other result can be expected, until a proper translation of the Code, which should guide their proceedings, is in their hands. Such a translation is now approaching completion.

No proper translation of the Code of Criminal Procedure.

65. I have to express my regret that this report has not been submitted sooner. The dates on which I received the reports from the Commissioners of Divisions, and the dates of the district reports are shown at foot; but the delay has been entirely caused by the submission, in the first instance, of incorrect statements for the Prome District, and by the late receipt of revised statements. These were only received in my office on the 19th June

Cause of delay in submitting report.

1873; and it is not too much to say that the report for the whole Province has been delayed for at least two months by mismanagement in one office.

Pegu (Divisional)	...	...	... 19th	April	1872.
Rangoon ..	...	...	... 19th	Feb.	„
Bassein ...	...	...	... 7th	April	„
Henzada ...	...	...	... 22nd	Feb.	„
Prome ...	...	...	... 31st	March	„
Thayetmyo	...	...	... 4th	Feb.	„
Tenasserim (Divisional)		...	... 2nd	April	„
Amherst . .	...	...	... 15th	Feb.	„
Shwè-gyeen	...	...	... 25th	Jan.	„
Toungoo ...	...	...	... 17th	Jan.	„
Tavoy ...	...	...	... 27th	Jan.	„
Mergui ...	...	...	... 18th	Jan.	„
Salween ...	...	...	. . 3rd	Feb.	„
Arakan (Divisional)		...	... 24th	March	„
Akyab ...	...	...	... 4th	Feb.	„
Ramree ...	...	...	... 20th	Jan.	„
Sandoway ...	...	...	... 10th	Jan.	„
Northern Arakan	...	...	... 25th	Jan.	„

APPENDICES TO PART I:

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

B.--Judicial

Showing the various Judicial Tribunals, Original and Appellate, of the Courts

Class of Tribunal distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments and those consisting of paid from unpaid Judges	No. of Judicial Divisions	Average area of each Division in square miles.	Average population of each Division.	No. of Tribunals	Constitution of Tribunals stating No. of Judges in each and Jury or Assessors, if any	Judicial powers of each Tribunal original and appellate	Prescribed qualification of Judges previous to appointment.
Recorder's Court Rangoon { Civil .. Criminal	1 1	47	77 777	1	1 Judge and 3 Jurymen.	Original jurisdiction Civil and Criminal and Criminal Appellate jurisdiction	Barrister of 5 years' standing
Court of Small Causes of Rangoon. ..	1	45	86,713	1	1 Judge, no Jury or Assessors.	Original Civil Jurisdiction up to 1,000 Rupees	Barrister of 5 years' standing
1st Class Magistrate, exercising Criminal Powers only...	1	45	89,406	1	1	Two years	
2nd Class Magistrate, exercising Criminal Powers	1			1	1	Six months	

Statement I.

exercising jurisdiction within the Town of Rangoon on the last day of the year

Total Number of Judges				Average Annual Salary of each paid Judge		Total cost of Tribunal	Net receipt from stamps	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work	Average number of advocates attached to each tribunal	No. of cases decided during the year			
Europeans			Native	European	Native						Criminal	Civil	Revenue	Appeal
Covenanted	Commissioned Military Officers	Uncovenanted												
				Rs	Rs	Rs	Rs							
		1		27,388-11-10		42,740-5-0	26,056		Every day except Saturdays and sanctioned holidays and vacation	13	Criminal Sessions 20 Criminal Miscellaneous 1	Regular 128 Miscellaneous 313	None	15 (Criminal)
		1		10,800		15,556	23,103-14-0	Under orders of the Chief Commissioner the Court sat as a Marine Court on the 6th August and 21st December 1872, to enquire into the conduct of 2 Pilots	Every day except Sundays and holidays	11	Regular cases 3,513 Miscellaneous cases 2,401 Total 5,914			
1				12,000		7,656			[illegible]	16	3,610			
							1,918	Nil						
1				5,400		900			272	1,564				

Judicial Statement 2,—(Criminal.)

Statement of Offences Reported and of Persons Tried, Convicted, and Acquitted for each offence in the Courts exercising Jurisdiction within the town of Rangoon, in the year 1872.

DESCRIPTION OF OFFENCES.	Authority.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	Remaining under trial.	Remarks.
CLASS I.								
Offences against the Public and Justice.								
Against Public Justice.								
Giving false information to Public Servant..	182	2	2	1	1	...	...	
Obstructing Public Servant	186	4	8	6	2	..	..	
Disobedience of lawful orders	188	52	204	16	188	..	...	
Escaped from lawful custody.. . ..	224	9	9	1	8	..	...	
Contempt of Court	228	2	2	...	2	.	...	
Absconding, avoiding and disobeying summons	172 to 174	1	13		13	.	...	
Unlawful Assembly	143, 144, 147, 149	4	23	.	23	..	...	
Possession of Counterfeit coin	242	1	1	1	..	.	..	
Being in possession of false weights .	264	9	11	1	10	.	...	
By Public Servants.								
Taking illegal gratification	161	5	6	2	4	.	...	
Public servant negligently suffering escape..	223	8	8	1	7	..	...	
Breach of Police Act by Police officers ...	Act V of 1861	5	5	1	4	...	..	

False Evidence, false complaints and Forgery.								
Giving false evidence..	193	15	15	9	5	...	1	
Frivilous or vexatious complaint	270 C. P. C.	3	3	..	3	...	...	
Forgery	467	1	1	..	1	...	...	
Public Nuisance.								
Public Nuisance under Penal Code ...	290 I. P C.	11	19	1	18	...	...	
Do under Police Act	Act V of 1861	494	1,037	101	936	...	...	
Relating to Public Peace.								
Affray	160	18	72	60	12	...	...	
Total Class I .		644	1,439	201	1,237	...	1	
CLASS II.								
Offences against the Person.								
Murder. { From motives connected with women	302	1	1	1	.	...	...	
Attempt at murder	307	2	2	...	..	*1	1	* Died.
Culpable homicide	304	3	3	1	2	...	...	
Attempt to commit suicide	309	2	2	1	1	..	...	
Grievous hurt	325,326,335	19	22	6	9	*1	6	*Disposed of by Local Govt.
Hurt	323 & 334	10	14	3	11	.	...	
Grievous hurt on grave or sudden provocation	326,335	3	3	3	...	..	...	
Hurt with dangerous means or weapons ...	324,334	10	11	2	8	*1	...	* Disposed of by Local Govt.
Carried forward		50	58	17	31	3	7	

Judicial Statement 2.—(Criminal)

Statement of offences reported, and of persons tried, convicted, and acquitted for each offence in the Courts exercising Jurisdiction within the town of Rangoon, for the year 1872.

DESCRIPTION OF OFFENCES.	Section of Code applicable	Number of offences reported during the year	Number of persons under trial during the year	Acquitted or discharged	Convicted.	Died, escaped or transferred.	Remaining under trial	Remarks.
Brought forward ..		50	58	17	31	3	7	
Offences against the person.—(contd.)								
Wrongful restraint or confinement .	342	2	3		3			
Assault or using criminal force	352 to 358	910	1,385	1,184	201		..	
Criminal intimidation and insult .	504 to 509	378	607	527	80		..	
Kidnapping .	363,369	2	2	2				
Adultery .	497	17	19	17		.	2	
Defamation ...	500	3	3	3				
Unnatural offence	377	1	1	1				
Doing an act to endanger life	336	1	1		1			
Total Class II		1,364	2,079	1,751	316	3	9	
CLASS III.								
Offences against property with violence.								
Making preparation to commit dacoity	399 & 402	1	9	2	7	.	.	
Robbery with hurt .	394	5	12	11	1			
Do. in a boat or on highway .	392	2	4		3		1	
House-breaking or house-trespass in order to commit theft	451,454,456,457	24	32	7	24	*1		* Died.

Without violence.								
Theft	379 to 382	210	249	45	204	.	...	
Extortion	384	3	4	1	3	...	..	
Dishonestly receiving stolen property	411.414	32	52	18	31	†3	..	† Transferred to Thayetmyo.
Dishonest misappropriation of property	403	7	8	2	6	.	..	
Criminal breach of trust	406 to 409	8	8	6	2	..	...	
Cheating	417 to 420	8	10	8	2	...	..	
Fraudulently removing property	421	3	3	3	..	..	.	
Malicious Offences.								
Mischief, ordinary	426	30	39	18	20		1	
Criminal trespass	447	28	39	22	17	..	...	
Total Class III		361	469	143	320	4	2	
CLASS IV								
Not included in the above Classes.)								
European vagrants	Act XXI of 1869	4	4	1	.	‡2	1	‡Sent to Calcutta.
Vagrancy without ostensible means of livelihood	295	33	56	15	40		1	
Bad habits and repute	296, 297, C. P. C.	7	11	.	11	..	.	
Furious riding and driving	279	5	5		5	..	..	
Selling noxious food	273	5	7	2	5	..	..	
Negligent in respect to fire	285	12	12	1	11	...	.	
Negligently endangering life	289	2	2	2	.	...	...	
False charge with intent to injure	211	3	3	.	3	...	...	
Lottery	294 A	5	24		24	..		
Deserting from Regiment	Mutiny Act	1	1	1	..	..		
Carried forward		77	125	22	99	2	2	

Judicial Statement 2,—(Criminal.)

Statement of Offences Reported and of Persons Tried, Convicted, and Acquitted for each Offence in the Courts exercising Jurisdiction within the town of Rangoon, in the year 1872

DESCRIPTION OF OFFENCES	Authority.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged	Convicted.	Died, escaped or transferred.	Remaining under trial	Remarks.
Brought forward		77	125	22	99	2	2	
Breach of special Laws for the protection of the Revenue								
Abkary Rules	Act XXIII of 1868	29	33	1	32	.	..	
Excise Act . .	Act X of 1871	69	79	19	60	.	.	
Breach of Hack Carriage Rules .	Local Rules	186	377	168	209		..	
Do. of Boat Rules	Do	5	5		5		..	
Do of Cart do	Do	3	10		10	.		
Do of Slaughter house Rules	Do.	3	3		3			
Do of Contract	Do	4	7	7		.	.	
Do of Passenger Act .	Act XXV of 1859	1	2	2		.	.	
Refusal of duty and desertion	M S. Act	67	150	24	126	.	.	
Non-payment of Seamen's wages	Act I of 1859	1	3	3	..	.		
Breach of Port Rules	Act XXII of 1855	6	8	4	4	..		
Non payment of Income Tax . ..	,, IX of 1869	2	7	7		...		
Gambling .	,, III of 1867	51	397	50	347	..		
Arms Act ..	,, XXI of 1860	1	2	1	1	...		
Post Office Act .	,, XIV of 1866	2	2		2	..		
Breach of Gaol Rules .	,, VXXVI of 1870	2	2	.	2	..		
Burmese Steam Survey Act	,, VI of 1870	1	1	1		..		

Maintenance	316, C. P. C.	20	20	13	7	.	...
Selling and being in possession of Soldier's Clothing	Act VII of 1867	6	6	.	6	..	...
Breach of Prison Act	„ XXVI of 1870	4	5	.	5	...	...
Breach of Town Allotment Rules		3	7	4	3	...	...
Smuggling	„ VII of 1863	4	8	.	8	..	...
Breach of Lock Hospital Rules	„ XXII of 1864	79	143	2	141		..
Breach of Municipal Rules	„ XIV of 1856	331	1,084	69	1,015	..	.
Breach of Cantonment Rules	Act of 1864	77	139	4	135	..	...
Non-payment of Strand Bank Dues .	B. B Hand-Book	4	6	1	5	.	.
Total Class IV ...		1,068	2,631	402	2,225	2	2
Grand Total ..		3,392	6,618	2,497	4,098	9	14

Judicial Statement

STATEMENT showing the general result of Criminal Trials in the Tribunals in

Class of Tribunal.	Number of Persons Dealt With.						
	Remaining at end of last year.	Brought to trial during present year.				Received by transfer.	Total.
		Under arrest by Police.	Upon warrant.	On summons.	Voluntarily.		
Town Magistrate ...	43	1,457	322	785	..	21	2,628
Assistant Magistrate .	...	834	408	2,506	.	...	3,753
Cantonment Magistrate ...	...	159	4	52	...	..	215
Total Magistracy... ...	43	2,450	734	3,343	...	21	6,596
Sessions Court (Recorder's) ...	6	...	...	...	...	49	55
Grand Total... ...	49	2,450	734	3,343	...	70	6,651

3.—(Criminal.)

the Courts exercising Jurisdiction within the Town of Rangoon in the year 1872.

Persons disposed of.					Remaining at end of the year.	Average number of days during which each case lasted.	Number of witnesses who attended.	Remarks.
Discharged without Trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped or transferred.				
141	325	2,109	38	9	6	3	601	
1,384	589	1,775	.	...	5	3	1,306	
26	12	177	.	...	.	2	40	
1,551	926	4,061	38	9	11	8	1,947	
...	17	35	.	...	3	17	301	All persons tried by the Recorder's Court are brought up under commitment. 154 only examined.
1,551	943	4,096	38	9	14	25	2,248	

Judicial Statement

STATEMENT showing the punishments inflicted by the various Criminal

CLASS OF TRIBUNALS.	PERSONS SENTENCED TO													PERSONS ORDERED TO FIND OR GIVE				
	Death	Transportation. For life	Transportation. For a term	Penal servitude	Imprisonment. Rigorous. With solitary confinement.	Imprisonment. Rigorous. without solitary confinement	Simple	Forfeiture of property.	Fine. With imprisonment	Fine. Without imprisonment	Whipping. In addition to other punishment	Whipping. In lieu of other punishment	Surety of the peace	Recognizance	Surety for good behaviour	Rs. 10 and under.	" 50 "
Town Magistrate ..	..	..	..	..	21	194	108		15	1 460	13	9	..	..	5	1,245	184
Assistant Magistrate ..	..	..	..	..	..	159	10	.	..	1 569	3	12	21	..	..	1,321	218
Cantonment Magistrate ..	..	..	..	.	..	.	5	..	..	144	..	.	..	..	.	102	42
Total Magistracy ..	..	..	..	..	21	353	123	.	15	3,173	16	21	21		5	2,668	444
Sessions Court, Recorder's ..	..	2	..	..	..	33	..	..	6	..	..	..	..	..	..	..	..
Grand Total ..	..	2	..	..	21	366	123	..	21	3,173	16	21	21	..	5	2,668	444

4.—(Criminal)

Tribunals exercising Jurisdiction within the town of Rangoon, in the year 1872.

DETAIL OF PUNISHMENT																						
Fine							Imprisonment												Whipped.			
							15 days		6 months		2 years		7 years		above 7 years							
" 100	" 500	" 1,000	Above Rs 1,000	Total amount of fines	Amount realized	Amount paid by way of compensation	Rigorous	Simple	Rigorous	Simple	Rigorous	Simple	Rigorous	Simple.	Rigorous	Simple.	10 stripes and under.	20 "	30 "	"		
				Rs	Rs	Rs.																
17	14	..	.		.		9	20	160	78	74	10	.	..	.	..	1	6		2		
16	14	.	..	48,589-1-6	27,804-0-0	115-0-0	..	58	84	10	..		...	.	..	..	..	7		5		
..	..	..	..	..	..		..	5	..	..		..	.		..	..	..	..		..		
33	28		..	48,589-4-0	27,804-0-0	115-0-0	9	83	244	88	74	10	..	.	.	..	1	13		7		
..	.	4	2	11,500-0-0	1,244-10-8	1,244-10-8	.	.	4		10	..	15		4	.	..	..		..		
33	28	4	2	60,089-4-6	29,048-11-8	1,359-10-8	9	83	248	88	84	20	15	..	4	.	1	13		7		

Judicial Statement

STATEMENT showing the results of Appeal and Revision in

of Rangoon during

TRIBUNALS.	Number of appellants or persons applying for revision under Section 404, C. Cr. P.	NUMBER	
		Appeals or applications rejected.	Sentences confirmed.
1	2	3	4
Town Magistrate	18	4	6
Assistant Magistrate	3	...	2
Sessions Court, Recorder's	17	...	13
Total...	38	4	21

5.—(Criminal)

Criminal Cases, in the Courts exercising Jurisdiction within the town the year 1872

OF PERSONS						REMARKS
Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	
5	6	7	8	9	10	11
..	4	3	1			
	1					
1		3				There were 14 Appeals from the decision of the Town Magistrate and 1 from the Cantonment Magistrate, 15 in all.
1	5	6	1	..	....	

Judicial Statement

STATEMENT showing the number and description of Civil suits, instituted

SUITS FOR MONEY, DISTINGUISHING SUITS UP TO RS 500 COGNIZABLE BY SMALL CAUSE COURT FROM "OTHER CASES"

CLASS OF TRIBUNALS.	On written objection		On unwritten.		On account stated.		Money lent and received		Goods sold.		Breach of contract not mentioned above		Rent not falling under the Rent Law	
	Rs 500 and under	Above Rs 500	Rs 500 and under	Above Rs 500	Rs 500 and under	Above Rs. 500	Rs 500 and under	Above Rs. 500	Rs 500 and under	Above Rs. 500	Rs. 500 and under	Above Rs 500	Rs. 500 and under	Above Rs 500
Recorder's Court, Rangoon	12	44	1	5	4	10		4		7				
Small Cause Court, Rangoon Town	1 375	48	918	6	43	1	208		560	4	2		179	
Grand Total	1 387	92	919	11	47	11	208	9	569	11	2		179	1

6—(Civil.)

in the Civil Courts exercising jurisdiction within the Town of Rangoon in the year 1872.

Moveable property or value thereof		Damages.		Suits under the Rent Law.								Other Suits.												
Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under	Above Rs 500.	Arrears of rent with or without ejectment or caposment of lease.	Enhancement or abatement of rent	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause.	For pottahs or kuboolents.	For ejectment or recovery of possession	For recovery of money or accounts from agents.	All other suits under the rent Law not included above.	Suits for immoveable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping	Suits relating to religion and caste.	Remarks.
..	3	1	2	...	...	...	...	...	..	..	...	0	1	3	12	8	...	...	8	7	...	...	...	
106	3	43	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	..	...	...	...	...	
106	6	44	6									0	1	3	12	8			8	7				

Judicial Statement

STATEMENT showing value of Suits disposed of in the Courts

Value of Suits.				Number of Suits disposed of. Small Cause Courts.
In CIVIL COURTS.				
Not exceeding Rs. 5	Rangoon Recorder's Court ...			
	do. Small Cause Court ...			112
	Total ...			112
Do. Rs. 20	Rangoon Recorder's Court ...			
	do. Small Cause Court ...			1,063
	Total ...			1,063
Do. Rs. 100	Rangoon Recorder's Court ...			...
	do. Small Cause Court ...			1,712
	Total ..			1,712
Do. Rs. 500	Rangoon Recorder's Court ..			
	So. Small Cause Court ...			561
	Total ...			561
Do. Rs. 1,000	Rangoon Recorder's Court ...			
	do. Small Cause Court ..			87
	Total ...			87
Do. Rs. 5,000	Rangoon Recorder's Court ...			...
	Total ...			...
Do. Rs. 10,000	Rangoon Recorder's Court ...			...
	Total ...			...
Do. Rs. 100,000	Rangoon Recorder's Court ...			...
	Total ...			...
Exceeding Rs. 100,000	Rangoon Recorder's Court ...			...
	Total ..			3,535
	Grand Total ...			

7.—(Civil.)

exercising jurisdiction within the Town of Rangoon in the year 1872.

ED OF IN DIFFERENT COURTS. Superior Court, Recorder's Court.	Total Value of Suits.			REMARKS.
...		...	...	
...	472	4	5	
.	472	4	5	
1	14	.	...	
	13,870	11	10	
1	13,884	11	10	
33	523	...	10	
...	83,336	12	11	
33	83,859	13	9	
20	5,286	11	3	
...	1,13,978	5	...	
20	1,19,265	0	3	
7	3,454	14	...	
...	62,155	5	5	
7	65,610	3	5	
61	1,32,534	11	2	
61	1,32,534	11	2	
13	87,313	10	1	
13	87,313	10	1	
5	1,61,528	12	3	
5	1,61,528	12	3	
1	2,89,225	11	11	
1	2,89,225	14	11	
141	9,53,695	2	1	

Judicial Statement 8 (Civil.)

STATEMENT showing the general result of the trial of Civil Suits in the Courts exercising jurisdiction within the Town of Rangoon, in the year 1872.

CLASS OF COURTS	Suits remaining from last year	Instituted in 1872	Received by transfer	Total for disposal.	Transferred to other Courts.	Plaints rejected or returned	Dismissed for default.	Withdrawn with leave	Compromised.	Decreed on confession	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested: Judgment for Plaintiff in whole or part.	Contested: Judgment for Defendant	Total disposed of.	Pending.	Over 2 months	Over 4 months	Average Duration of Suits: Contested.	Average Duration of Suits: Uncontested.	Referred to arbitration	REMARKS.
Superior Courts of General Jurisdiction (Recorders Court)	47	141		188	..	.	24	2	6	10	38	.	58	18	156	30	7	9	5 months and 1½ days.	2 months and 4 days.	2	
Small Cause Courts	81	3,535	.	3,616		29	539	10	167	326	1,448	13	633	347	3 512	103	13	1	17½ days	17 days	1	
Total	128	3,676	..	3 804		29	563	12	173	336	1,486	13	691	365	3,668	133	20	10			3	

Judicial Statement 9, (Civil.)

STATEMENT shewing the business of the Civil and Revenue Appellate Courts exercising jurisdiction within the Town of Rangoon in the year 1872.

CLASS OF COURTS	Remaining.	Instituted.	Received by transfer.	Total.	Dismissed for default or under 5 or 6, Act XXIII of 1861.	Heard ex-parte			Contested.				Total disposed of.	Pending.	Over four months	Objections under Section 340, Act VIII, 1859.	Objections allowed.	REMARKS.
						Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.						
Civil Appellate Court other than Chief Court of District																		
Civil Appellate Court of District. — Civil Appeals																		
Civil Appellate Court of District. — Revenue Appeals																		
Superior Appellate Courts other than Chief Court of Province..																		
Chief Court of Province. — Regular Appeal from Judge or Bench in Original Jurisdiction																		
Chief Court of Province. — From District Courts																		
Chief Court of Province. — Special Appeals ...																		
Total.																		

Judicial Statement. 10.—(Civil)

STATEMENT showing the execution of the Decrees of the civil Courts exercising jurisdiction within the Town of Rangoon in the year 1872.

CLASS OF COURTS.	Applications to execute Decrees.				Decrees completely executed.	Decrees partially executed	Pending at the end of	Decrees executed by possession being given.	Nature and Number of coercive processes issued						Remarks.
										Moveable property		Immoveable property			
	Pending.	Filed	Received by transfer.	Total					Imprisonment of person.	Attached	Sold.	Attached	Sold.	Orders under Section 243, Code of Procedure.	
Recorder's Court, Rangoon	10	119	19	148	46	97	5	1	4	23	16	35	26	...	
Court of Small Causes of Rangoon.	46	1,834	48	1,928	1,184	658	86	...	106	221	120	...	...	...	
Total...	56	1,953	67	2,076	1,230	755	91	1	110	244	136	35	26	...	...

Judicial Statement.—11 (Civil).

STATEMENT showing use of Juries and Assessors in the Civil and Criminal Courts exercising jurisdiction within the Town of Rangoon in the year 1872.

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jury or Assessors in each case and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury Trials.		Assessors' Trials.		Note shewing in what classes of cases Juries and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
Court of the Recorder of Rangoon...	Jury of 5.—No prescribed qualification beyond what is laid down in the Criminal Procedure Code. Assessors.—One or more. No prescribed qualification.	34. Including those pending at the close of 1871.	...	34	...	...	...	Juries were employed in the trial of Criminal Cases; only civil cases can be tried with Assessors. No case was tried with Assessors in 1872.	In 5 cases, the prisoners pleaded guilty.
Jury in all Criminal trials before the Recorder as a Court of Session									
Assessors in Civil Cases at the discretion of the Recorder									

APPENDICES TO PART II.

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

B.—Judicial

Showing the various Judicial Tribunals, Original and Appellate, existing on the last day

Class of tribunal, distinguishing those which exercise powers in one department from those exercising powers in two or three departments and those consisting of paid from unpaid Judges	No of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division	No. of Tribunals.	Constitution of Tribunals, stating No of Judges in each and Jury or Assessors if any	Judicial powers of each tribunal, original and appellate
Local and Subordinate Magistrates exercising Criminal powers only, unpaid .. .	1			1	1 Judge .	Subordinate Magistrate of the 2nd Class under Section 22 of Act XXV of 1861
Do do Magistrates, exercising Criminal powers only, paid.. .. .	4			4	1 do .	Subordinate Magistrates of the 1st and 2nd Class under Section 22 of Act XXV of 1861
Do do Magistrates exercising Civil powers only, paid	1			1	1 do	Civil original jurisdiction up to Rs 3,000 as Court of grade (2) defined in Section 8 of Act VII of 1872, and powers of a Small Cause Court to try suits up to Rs 100 in value .
Do do. Magistrates exercising Revenue powers only, paid.. .. .	1			1	1 do .	Magistrate and Justice of the Peace exercising Revenue powers only
Do do Magistrates exercising Criminal, Civil and Revenue powers, paid	98			98	1 do ..	Subordinate Magistrates of the 1st and 2nd Classes under Section 22 of Act XXV of 1861, Civil jurisdiction up to Rs 500 and Rs 3,000 as Courts of grade (1) and grade (2) defined in Section 8 of Act VII of 1872 with Revenue powers under the Rules of the Province and to some powers under Section 38 of Act XXV of 1861 and Section 66A of Act VIII of 1869
Small Cause Court (confined to proper functions)	1			1	Both under Act VII of 1872. One Judge for both Courts. Jurors employed in Sessions trials.	Civil original jurisdiction in Civil Suits up to Rs. 10,000 under Section 8 of Act VII of 1872 .. .. . .
Court of the Judge of Maulmain	1			1		Civil original Sessions and Criminal appeal, under Act VII of 1872 . ..
Magistrates of full powers, exercising Criminal powers only	2			2	1 Judge	Magistrate of full powers under Section 22 of Act XXV of 1861
Do exercising Criminal, Civil and Revenue powers and also special powers under Act VIII of 1869	12			12	1 do ..	Magistrate of full powers under Section 22 of Act XXV of 1861, with Civil jurisdiction up to Rs 3,000 under Act VII of 1872 Revenue powers under the rules of the Province and powers under Section 66-A of Act VIII of 1869.
Do exercising Criminal, Civil and Revenue powers, as also special powers under Sec. 445 A of Act VIII of 1869 .	14			14	1 do ..	Full power Magistrates under Section 22 of Act XXV of 1861. Civil original jurisdiction in all suits of whatever value or amount with appellate civil powers over all Courts of grade (1) and grade (2) as defined in Section 8 of Act VII of 1872 Revenue, original and appellate powers as in the Revenue Rules of the Province; also additional powers under Section 445 A and 445 B of Act VIII of 1869 Magistrates of full powers have the chief executive control over their districts, have powers to hear appeals from the orders of all subordinate Magistrates in their districts, and are also Justices of the Peace
Sessions Courts	3			3	1 do with Assessors in Sessions trials.	Powers of Court of Sessions under Section 22 of Act XXV of 1861 Appellate jurisdiction Criminal, Civil (except in the Pegu Division) and Revenue, over all Chief Courts of Districts and Magistrates with full powers.
Court of the Judicial Commissioner ..	1			1	1 do. ..	Powers of a High Court.

* 941 Civil Miscellaneous cases.

ABSTRACT

1 Judicial Commissioner.
3 Commissioners
1 Judge.
4 Deputy Commissioners, 1st Grade.
3 do 2nd do
3 do 3rd do
3 Deputy Commissioners, 4th Grade
1 Superintendent of Hill Tracts
5 Assistant Commissioners, 1st Grade
4 do 2nd do
11 do 3rd do
2 Supernumerary Assistant Commissioners.

RANGOON,
The 18th July 1873.

Statement I.

in the Province of British Burma, (exclusive of the Town of Rangoon) of the year 1872.

Prescribed qualification of Judges as previous to appointment.	Total Number of Judges. Europeans. Covenanted.	Commissioned Military Officers	Uncovenanted.	Natives.	Average Annual Salary of each paid Judge. European.	Native.	Total cost of Tribunals.	Nett receipt from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work.	Average number of advocates attached to each tribunal.	No. of cases decided during the Year. Criminal.	Civil.	Revenue.	Appeal.
					Rs.	Rs.	Rs.	Rs.							
.	..	..	..	1	..	..	..	..	..		..	..	..	..	.
..	..	1	3	..	2,700	..	13,800		..		2	221	..	..	..
..	..	..	..	1	..	3,000	*3,678		..		..	..	774	..	..
.	..	..	1	..	8,400	..	12,240		In charge of stamps and treasury & revenue sub-division of the town of Rangoon.		..	..	..	7	
..	2	2	3	91	5,070	1,570	1,88,848		Some are sub-registrars of deeds.		..	8,865	16,099	2058	..
..	..	1	..	..	16,800	..	29,372	Rupees 1,30,094-0-0	Sessions Judge.	Sundays and holidays excepted.	11	..	* 1 878	..	
..	..											4	‡ 202	..	29
..	..	1	1	..	9,300	..	22,151		One is sub-registrar of deeds.		..	2,158	..	..	.
..	..	4	8	..	7,485	..	1,00,614				..	3 211	579	217	.
.	.	12	2	..	16,139	..	3,18,209				..	2 083	55	2491	1352
..	..	3	..	..	33,000	..	1,05,892				..	131		13 Mis.	444
..	1	..	..	..	30,000	..	43,008	1,208-1-0			..	..	..	..	159

‡ 390 Civil Miscellaneous cases

ABSTRACT.

3 Extra Asst. Commissioners,	1st Class,	1st Grade.		13 Extra Asst. Commissioners,	3rd Class.	2nd Grade.
4 do	1st do	2nd do		5 do	3rd do	3rd do
5 do	2nd do	1st do		9 do	3rd do	4th do
5 do	2nd do	2nd do		30 do	3rd do	5th do
10 do	3rd do	1st do		2 Assistant Cantonment Magistrates.		
				4 Honorary Magistrates.		

J. D. SANDFORD,
Judicial Commissioner,
British Burma.

Judicial Statement 2.—(Criminal.)

Statement of Offences Reported and of Persons Tried, Convicted and Acquitted for each Offence in the Province of British Burma, (exclusive of the Town of Rangoon) for the year 1872.

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	Remaining under trial.	Remarks.
CLASS I.							
Offences against the State, the Public, and Justice.							
Relating to Coin, Stamps, Weights and Measures.							
Counterfeiting Coin	2	3	...	3	...	...	
Diminishing or altering Coin	7	6	6	...	...	...	
Passing or possessing bad or altered Coin	17	23	10	7	...	3	3 Committed.
Making, using, or possessing false weights or measures.	5	16	2	14	...	...	
Against Public Justice.							
Personating Public servant or soldier	25	96	31	65	...	...	
Omitting to give information of offence or giving false information	42	64	20	41	...	1	2 do.
Causing disappearance of evidence	5	7	2	5	...	...	
Resisting, obstructing or omitting to assist Public Servant	27	38	16	22	...	...	
Disobedience of lawful order, causing injury ...	201	595	148	443	...	4	
Intentional insult or interruption in Judicial proceeding	79	93	3	90	...	...	

Harbouring an offender	23	37	16	20	...	1		
Taking gift to screen offender	44	71	21	49	...	1		
Resistance to lawful apprehension and rescue ...	55	77	13	64	...	...		
Escape from lawful custody or transportation ...	19	25	2	23	...	...		
Absconding from, avoiding, or disobeying summons or notice, or order to attend or produce or refusing to answer or sign	319	678	254	423	1	...		
By Public Servants.								
Taking valuable thing by or to influence Public servants	57	78	31	41	4	2		
Public servant acting illegally to injure any person...	5	5	4	1	...	...		
Public servant fraudulently defeating punishment or forfeiture	3	3	1	1	1	...		
Public servant intentionally omitting to apprehend or permitting to escape	1	1	...	1	...	...		
Public servant negligently suffering escape.. ...	84	128	33	89	6	...		
Breach of Police Act by Police officers	21	40	1	39	...	...		
False Evidence, False Complaints or Claims and Forgery.								
Giving false evidence	38	54	31	10	3	2	8	"
False personation in Judicial proceeding	17	26	13	12	...	...	1	"
Fraudulent claim to, or concealment of property or suffering of decree	7	11	10	1	...	...		
False claim in Court of Justice	1	1	1	...	...	...		
False charge of offence...	13	14	7	6	...	1		
Frivolous or vexatious complaint	34	85	52	32	1	...		
Forgery or fraudulently using or possessing forged document	19	21	10	6	1	...	4	"
Public Nuisances.								
Public nuisances under Penal Code	673	1,731	404	1,325	...	2		
Nuisances under Police or Municipal and Local Acts	325	746	35	708	...	..		
Carried forward	2,168	4,773	1,180	3,541	17	17	18	"

Judicial Statement 2,—(*Continued.*)

Statement of Offences Reported and of Persons Tried, Convicted and Acquitted for each Offence in the Province of British Burma, (exclusive of the Town of Rangoon) for the year 1872.

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	Remaining under trial.	Remarks.
Brought forward.....	2,168	4,773	1,180	3,541	17	...	
Relating to the Public Peace.							
Rioting or unlawful assembly	225	1,488	466	983	38	1	
Affray	146	565	121	442	2	...	
Offences relating to religion	17	24	11	13	...	...	
TOTAL CLASS I. ...	2,556	6,850	1,778	4,979	57	18	18 Committed.
CLASS II.							
Offences against the Person.							
Murder { By Dacoits	15	31	2	22	...	...	7 Committed.
Murder { By Robbers	2	3	...	...	...	...	3 "
Other Murder { From motives connected with women	38	74	22	...	5	4	43 "
Other Murder { From other motives	27	48	4	...	...	...	44 "
Attempt to murder	6	6	1	...	...	...	5 "

Culpable Homicide	25	29	7	6	5	...	11 "
Abetment of suicide	2	2	...	2	...	...	1 "
Attempt to commit suicide	13	11	8	3	...	...	
Causing miscarriage	3	4	3	...	...	...	
Exposure of infant or concealment of birth ...	1	...	...	...	...	...	
Grievous hurt	79	115	40	52	8	10	5 "
Grievous hurt on grave and sudden provocation ...	9	27	18	8	...	1	
Hurt	154	259	122	134	3	...	
Hurt by dangerous weapons	469	645	337	294	7	6	1 "
Administering stupifying drugs	1	1	1	...	...	...	
Causing hurt to extort property or confession ...	4	5	2	3	...	...	
Act dangerous to life or safety	14	22	9	13	...	...	
Wrongful restraint	52	101	49	48	...	4	
Wrongful confinement	41	81	43	34	3	1	
Wrongful confinement to extort property or confession	2	4	3	...	1	...	
Assault or use of criminal force	3,225	5,550	3,904	1,623	11	11	1 withdrawn
Criminal intimidation or insult	4,029	5,742	4,035	1,692	6	6	3 "
Causing annoyance in state of intoxication ...	19	29	3	26	...	...	"
Unlawful compulsion of labour	1	3	3	...	...	...	
Buying or disposing of any person as a slave ...	2	3	3	...	...	...	
Kidnapping or abduction	21	23	19	1	...	...	3 committed
Abducting a woman to compel marriage or for defilement	2	2	2	...	...	...	
Enticing a married woman with Criminal intent ...	14	17	15	1	1	...	
Fraudulent and unlawful marriages	1	6	6	...	...	...	
Adultery	60	70	59	8	1	...	2 "
Rape	42	46	28	7	3	1	7 "
Unnatural Offences	5	6	4	1	...	...	1 "
Defamation	42	73	59	14	...	...	
TOTAL CLASS II. ...	8,420	13,038	8,811	3,992	54	44	137 "

Judicial Statement 2,—(*Continued.*)

Statement of Offences Reported and of Persons Tried, Convicted, and Acquitted for each Offence in the Province of British Burma (exclusive of the town of Rangoon,) for the year 1872.

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	Remaining under trial.	Remarks.
CLASS III.							
Offences against property with violence.							
Dacoity...	80	198	88	15	39	7	49 Committed.
Preparation or assembly for dacoity	1	10	4	6	...	...	
Robbery with hurt or deadly weapon	17	36	20	9	...	...	7 "
Robbery	97	102	37	46	3	1	15 "
Extortion	51	97	66	22	9	...	
House breaking or house trespass in order to commit theft	62	64	18	46	...	...	
House breaking or house trespass in order to commit an offence other than theft...	12	18	7	10	1	...	
House breaking or house trespass, with preparation for, or attempt at hurt	108	78	11	66	..	1	
House breaking or lurking	22	28	11	17	...	...	
House trespass	119	164	64	99	1	...	
Without violence.							
Theft of cattle	727	538	224	309	1	4	
Theft, ordinary	6,147	4,941	1,310	3,501	106	21	3 "
Dishonestly receiving stolen property	489	890	326	533	5	14	12 "

Dishonest misappropriation of property ...	216	322	165	156		1		
Criminal breach of trust ...	86	105	58	42	2	2	1	„
Cheating ...	136	191	137	52	1	1		
Malicious Offences.								
Mischief, ordinary ...	454	909	599	309	...	1		
Mischief by poisoning or killing cattle ...	19	29	23	6	...	...		
Serious mischief by fire ...	11	11	7	1	..	..	3	„
Criminal trespass or house trespass... ...	1,038	1.655	1,153	472	9	21		
TOTAL CLASS III ...	9,892	10,386	4,328	5,717	177	74	90	„
CLASS IV. (*Offences not included in the above Classes.*)								
Belonging to a gang of dacoits ...	1	1	1	...	.	..		
Vagrancy without ostensible means of livelihood ...	459	785	204	571	2	8		
Bad habit and repute ...	183	166	42	224	...	...		
Criminal breaches of contracts of service ...	22	59	40	19	...	.		
Maintenance to wife and children ...	71	69	34	34	...	1		
Recognizance, &c. ...	15	35	6	29	...	...		
Dispute of land ...	3	5	5	...	...	...		
Desertion under Act V of 1861 ...	1	1	..	1	..	...		
Contempt of Court ...	3	5	..	5	.	...		
TOTAL CLASS IV ...	758	1,226	332	883	2	9		
Special Laws of the Province, Breach of Laws relating,								
To Excise on spirits and drugs (Abkaree) ...	997	1,375	377	982	15	1		
„ Customs Act ...	1	3	3	...	...	...		
„ Post office Act XIV of 1866 ...	2	3	1	2	...	.		
„ Jails... ...	18	23	6	17	...	...		
„ Forests ...	63	71	15	46	2	8		
Carried forward ...	1,081	1,475	402	1,047	17	9		

Judicial Statement 2.—Criminal.

Statement of Offences Reported, and of Persons Tried, Convicted, and Acquitted for each Offence in the Province of British Burma, (exclusive of the Town of Rangoon) for the year 1872.

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred.	Remaining under trial.	Remarks.
Brought forward ...	1,081	1,475	402	1,047	17	9	
To Gaming and Lotteries	481	2,999	467	2,504	28	...	
„ Lunatics Act, XXXVI of 1858	1	1	.	1	..	...	
„ Cattle Trespass Act III of 1867...	63	133	66	67	...	...	
„ Possession of Arms	20	26	9	17	...	...	
„ Foreigners	1	1	...	1	...	...	
„ Merchant Shipping Act	67	162	17	145	...	...	
„ Local Rules	20	50	22	28	...	...	
„ Port Rules	4	7	2	5	...	...	
„ Revenue Rules	3	13	2	11	...	...	
„ Police Act, V of 1861	332	625	70	553	1	1	
„ Cantonment Rules	83	111	3	108	..	...	
„ Carriages, Carts and Boats	175	579	52	527	..	...	
„ Artificers and Workmen's Act, XIII of 1859 ...	2	8	8	.	...	...	
„ Contagious Disease	46	85	32	53	...	...	
„ Mutiny Act	1	1	.	1	...	...	
„ Purchasing Blankets from Soldiers	2	6	...	6	...	...	
„ Opposing seizure of cattle	1	3	3	...	..	...	
„ Being found drunk on public road &c.	29	39	4	35	...	...	
Miscellaneous	11	13	3	10	...	...	
TOTAL .	2,423	6,337	1,162	5,119	46	10	

ABSTRACT.

Offences under Class I	2,556	6,850	1,778	4,979	57	18	18 Committed.
Do. Class II	8,420	13,038	8,811	3,992	54	44	133 " 4 Withdrawn.
Do. Class III	9,892	10,386	4,328	5,717	177	74	90 Committed.
Do. Class IV	758	1,226	332	883	2	9	
Breach of special Laws of the Province	2,423	6,337	1,162	5,119	46	10	
GRAND TOTAL ...	24,049	37,837	16,411	20,690	336	155	245

Judicial Statement

STATEMENT showing the general result of Criminal Trials in
(exclusive of the Town of

Class of Tribunal.	Number of Persons Dealt With.						
	Remaining at end of last year.	Brought to trial during present year.				Received by transfer.	Total.
		Under arrest by Police.	Upon warrant.	On summons.	Voluntarily.		
Village Officers	...	...	...	...	...	...	...
Unpaid Magistrates	...	...	...	...	...	...	...
Local and Subordinate paid Magistrates	120	8,919	2,491	12,898	127	30	24,594
Full power Magistrates, exercising jurisdiction throughout the district	54	6,211	677	3,200	39	88	10,269
Chief Magistrates of districts...	52	2,155	158	422	15	350	3,152
Total Magistracy... ...	235	17,285	3,326	16,520	181	468	38,015
District Sessions Courts	9	139	2	...	...	62	212
Divisional do	25	89	...	...	...	125	239
High Court	...	...	...	...	...	...	. .
Grand Total.....	269	17,513	3,328	16,520	181	655	38,466

3.—(Criminal.)

the Tribunals of various classes in the Province of British Burma, Rangoon,) in the year 1872.

Persons disposed of.								
Discharged without Trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped or transferred.	Remaining at end of the year.	Average number of days during which each case lasted.	Number of witnesses who attended.	Remarks.
..	...	...	...	..	...	...	...	
...	...	...	...	...	...	...	..	
6,455	5,476	12,059	92	443	69	2·71	34,114	
2,075	1,476	6,386	211	57	64	5	16,857	
268	617	2,163	52	33	19	4	3,526	
8,798	7,569	20,608	355	533	152	4	54,497	
1	79	129	...	...	3	12	695	
...	64	139	21	2	13	43	743	
		...	...	...	...		...	
8,799	7,712	20,876	376	535	168	20	55,935	

Judicial Statement

STATEMENT showing the punishments inflicted by various Criminal Tribunals

CLASS OF TRIBUNAL	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE				
	Death	Transportation. For life	Transportation. For a term	Penal servitude.	Imprisonment. Rigorous. With solitary confinement	Imprisonment. Rigorous. Without solitary confinement	Imprisonment. Simple	Forfeiture of property	Fine. With imprisonment	Fine. Without imprisonment	Whipping. In addition to other punishment	Whipping. In lieu of other punishment	Surety of the peace.	Recognizance	Sureties for good behaviour	Rs. 10 and under	" 50 "
Magistrates unpaid ..	..	..	..			.	..	.	.		..	..	..	..	..	..	
Local and Subordinate paid Magistrates ..	.	..	..	..		1,837	42	3	5,52	9,595	10	59	.		2	7,209	2,775
Full power Magistrates of general jurisdiction	..	..	.		1	1,595	93		320	3,742	47	165	18	30	480	2,054	1,020
Chief Magistrates of Districts		..	.			914	21		151	652	52	62	4	9	311	350	281
Total Magistracy	..	.	..		1	4,346	156	3	1,023	13,989	109	286	22	29	793	10,273	4,082
District Sessions Judges ..	.		2	.	.	151			18	2	.	1	..	..			8
Divisional Sessions Judges .	38	37	7	.	1	68			9	.	..	..	..	.		..	
Grand Total	38	37	9	.	2	4,545	156	3	1,050	13,991	109	287	22	29	793	10,273	4,090

4.—(Criminal.)

in the Province of British Burma, (exclusive of the town of Rangoon,) in the year 1872.

DETAIL OF PUNISHMENT																						
FINE							IMPRISONMENT												WHIPPED		
							15 days		6 months		2 years		7 years		above 7 years						
" 100 "	" 500 "	" 1,000 "	Above Rs 1,000	Total amount of fines	Amount realized	Amount paid by way of compensation	Rigorous.	Simple	Rigorous	Simple	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous	Simple	10 stripes and under.	20 "	30 "
..	..	..	.	.	..		..	..			..	.	.	..	...	...	...	.	.
65	33	.	..	1,14,378-4	84,034-10-3	6,620-0-8	442	27	1 780	36	..	.	.	.	..	..	39	22	8
193	178	11		1,14,137-4	61,585-7-2	8,218-0	148	41	974	46	680	7	3	..	...		41	91	86
116	58	5	.	42,613-8	15,005-3-3	2,682	34	4	448	35	458	6	79	..	.	..	17	55	41
374	269	16		2,71,129	1,01,175 2-8	17,520-0-8	624	72	3,202	117	1,138	13	82		.	.	97	168	139
5	4	.	1	5,040	1,572-15-3	200	1		9		20		111			...	..	..	1
	9	..		3,682	494-3			.	1		14	.	50	..	13		.	..	...
379	282	16	1	2,78,851	1,03 242-4-11	17,720-0-8	625	72	3,212	117	1,181	13	243	..	13	.	97	168	130

Judicial Statement

STATEMENT showing the result of Appeal and Revision in the town of Rangoon)

TRIBUNAL.		Number of appellants or persons applying for revision under Section 404, C. Cr. P.	NUMBER	
			Appeals or applications rejected.	Sentences confirmed.
1		2	3	4
Magistrates of Districts.	Appeals from unpaid Magistrates...	...	...	...
	Appeals from paid Magistrates ...	333	15	146
Sessions Courts	Appeals from unpaid Judges .	...	...	
	Appeals from paid Judges	492	41	282
Court of Judicial Commissioner		182	19	89
	Total...	1,007	75	517

5.— (Criminal)

Criminal Cases, in the Province of British Burma, (exclusive of

during the year 1872.

OF PERSONS						
Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	REMARKS.
5	6	7	8	9	10	11
...		...	..	...		
41	113	8	2	...	8	
..		..	...	..	...	
40	101	...	1	1	25	1 returned for presentation to the proper Court.
11	46	6	4		7	
92	260	14	7	1	40	1

Judicial Statement

STATEMENT showing the number and description of Civil Suits, instituted in the

SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs. 500 COGNIZABLE BY SMALL CAUSE COURTS FROM "OTHER CASES."

CLASS OF TRIBUNALS.	On written objection.		On unwritten		On account stated.		Money had and received.		Goods sold.		Breach of contract not mentioned above.		Rent not falling under the Rent Law.	
	Rs. 500 and under.	Above Rs. 500.	Rs 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs 500.
Paid Sub-divisional Tribunals ..	2,764	132	2,868	46	502	19	601	7	2,294	43	1173	25	367	1
Chief Courts of Districts ..	8	4	2	3	1	.	7	..	5	1	1	4	5	..
Recorder's Court Moulmein ..	..	168	..	6	..	1	..	2	..	6	..	4	..	2
Small Cause Side ..	210	..	88	..	1	.	30	..	121	.	95	..	19	..
Judge's Court, Moulmein ..	..	134	.	9	..	.	.	3	.	21	..	10	..	2
Small Cause Side ..	585	..	218	..	5	..	108		315	..	314	..	74	..
Small Cause Court Akyab ..	43	..	72	..	..	..	28	..	46	.	24	..	10	.
Total ..	3,910	438	3,243	64	509	20	774	12	2,781	71	1607	43	475	5

6—(Civil.)

in the Civil Courts of the Province of British Burma (exclusive the Town of Rangoon) year 1872.

Movable property or value thereof		Damages		Suits under the Rent Law.								Other Suits.													
Rs. 500 and under.	Above Rs. 500	Rs. 500 and under	Above Rs 500.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause.	For potahs or kuboolents.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent Law not included above.	Suits for immoveable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to abrogating.	Suits relating to religion and caste.	Total.
2,359	9	1,024	4	...	...	...	...	...	...	..	...	961	168	104	313	2	1	4	932	92	88	4	4	17,806
7	3	4	..	..	...	..	...	...	...	...	...	4	...	...	3	...	...	...	1	...	1	...	..	64
..	3	..	4	...	...	...	...	...	...	...	...	2	...	3	4	...	..	...	...	1	...	...	...	206
35	.	3	..	...	...	..	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	602
..	7	..	14	...	...	...	...	...	...	...	...	6	...	17	7	7	..	2	...	11	1	..	...	251
109	..	28	..	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	2,050
33	..	11	..	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	267
2 537	22	1,070	22	..	...	...	..	..	...	...	...	973	168	124	327	9	1	6	983	104	90	4	4	21,246

Judicial Statement

STATEMENT showing value of Suits disposed of in the Civil Courts of the

Value of Suits.	Number of Suits disposed of. Small Cause Courts.
In Civil Courts.	
Not exceeding Rs. 5, Rangoon Small Cause Court...	177
Do. Rs. 20 do do do .	999
Do. Rs. 100 do do do ...	1,174
Do. Rs. 500 do do do ...	291
Do. Rs. 1,000 do do do ..	33
Do. Rs. 5,000 do do do ...	
Do. Rs. 10,000 do do do ...	
Do. Rs. 100,000 do do do ...	
Exceeding Rs. 100,000 do do do ...	...
Suits not valued	...
Total ...	2,674

7.—(Civil.)

Province of British Burma (exclusive of the the Town of Rangoon) in the year 1872.

ED OF IN DIFFERENT COURTS.					
Moonsiff's, Deputy Collectors' and other Sub-Divisional Courts.	District Courts.	Total Value of Suits.			REMARKS.
2,506	3	8,502	15	4	
5,032	49	75,876	10	8	
7,664	218	4,43,500	2	9	
2,425	75	5,18,075	10	1	
150	31	1,80,178	...	10	
33	46	1,65,817	5	8	
...	11	82,823	13	..	
...	5	1,65,289	9	...	
...	...	...	...	...	
...	9		...	...	
17,810	447	16,40,064	3	4	

Judicial Statement 8—(Civil.)

STATEMENT showing the general result of the trial of Civil Suits in the Courts of original jurisdiction in the Province of British Burma, (exclusive of the Town of Rangoon) in the year 1872.

CLASS OF COURTS.	Suits remaining from last year.	Instituted in 1872.	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaints rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested. Judgment for Plaintiff in whole or part.	Contested. Judgment for Defendant.	Total disposed of.	Pending.	Over 2 months.	Over 4 months.	Average duration of suits. Contested.	Average duration of suits. Uncontested.	Referred to arbitration.	REMARKS.
Small Cause Courts ..	198	2,624	295	3,117	276	35	537	19	149	154	832	8	589	303	*2.674	172	1	...	...	..	43	*Files so transferred from Recorder's Court to Judges file are excluded.
id Sub-Divisional Tribunals...	198	17,762	44	18,004	97	257	3,003	401	1,409	2,380	1,870	448	5,434	2,257	17,810	194	40	11	...	...	314	
Chief Courts of Districts.	47	448	73	568	62	7	78	9	27	39	154	3	84	39	‡447	60	8	10	...	...	12	‡61 Do do cases
Total ...	443	20,834	412	21,689	435	299	3,618	429	1,585	2,573	2,856	459	6,107	2,599	20,931	426	49	21	...	...	369	...

Judicial Statement 9,—(Civil.)

STATEMENT showing the business of the Civil Appellate Courts of the Province of British Burma (exclusive of the Town of Rangoon) in the year 1872.

CLASS OF COURT.		Remaining from last year.	Instituted in 1872.	Received by transfer.	Total.	Transferred.	Dismissed for default or under Sand 6, Act XXIII of 1861.	Heard ex-parte			Contested.				Total disposed of.	Pending.	Over four months.	Objections under Section 348, Act VIII, 1859.	REMARKS.
								Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.					
Civil Appellate Court other than Chief Court of District		...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...
Civil Appellate Court of District.	Civil Appeals	46	1,159	...	1,205	17	47	141	2	24	499	64	309	51	1,154	51	2	...	...
	Revenue Appeals ...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Superior Appellate Courts other than Chief Court of Province, each class of Courts being specified.		10	25	...	35	...	8	4	...	1	12	...	9	..	34	1	...	...	...
Chief Court of Province.	Regular Appeal from Judge or Bench in Original Jurisdiction.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	From District Courts.	...	31	...	31	...	2	3	...	3	6	1	7	1	23	8	..	...	...
	2nd Appeals.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Special Appeals ..	4	2	...	6	...	...	4	...	...	...	...	1	...	5	1	...	...	...
	Total.....	60	1,217	...	1,277	17	57	152	2	28	517	65	326	52	1,216	61	2	...	...

Judicial Statement 10.—(Civil)

STATEMENT showing the execution of the Decrees of the Civil and Revenue Courts of the province of British Burma (exclusive of the Town of Rangoon) in the year 1872.

CLASS OF COURTS.	Applications to execute Decrees.				Decrees completely executed.	Decrees partially executed	Pending at the end of 1 872.	Decrees executed by possession being given.	Nature and Number of coercive processes issued.						Remarks.
	Pending.	Filed	Received by transfer.	Total					Imprisonment of person.	Moveable property		Immoveable property		Orders under Section 243, Code of Procedure.	
										Attached	Sold.	Attached	Sold.		
Village Courts.	...	...	...	..	...	...	...	...	...	..	...	...	..	..	60 struck off and 1 transferred to other Districts.
Small Causes Courts . .	14	1,039	24	1,077	318	165	89	...	86	131	83	...	...	9	
Local and Sub-Divisional Civil Courts.	76	3,756	45	3,877	2,504	1,007	97	382	573	1,662	568	667	300	3	
District Courts.	6	345	21	372	88	147	19	1	45	77	59	98	73	2	
Total...	96	5,140	90	5,326	2,910	1,319	205	383	704	1,870	710	765	373	14	Do

Judicial Statement.—11. (Civil)

STATEMENT showing use of Juries and Assessors in the Civil and Criminal Courts of the Province of British Burma (exclusive of the Town of Rangoon) in the year 1872.

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jury or Assessors in each case and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury Trials.		Assessors' Trials.		Note shewing in what classes of cases Juries and Assessors have been principally employed.	Remarks.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
Sessions Court, Arakan	3	...	50	...	...	46	4	Juries and Assessors have been principally employed in Criminal trials only.	In one case the Assessors were not called in for any opinion, the Court having thrown out the case on the evidence for the prosecution.
do Pegu	2	...	169	...	...	126	42		
do Tenasserim	2	...	51	..	...	30	21		
Recorder's Court, Moulmein, (Criminal)	5	5	...	5	...	...	...		
Judges Court Moulmein (Criminal)	5	4	...	4	...	..	...		
Total...	...	9	270	9	...	202	67		

Judicial Statement 12.—(Criminal.)

Statement of Deeds Registered in the Registration Offices of the Province of British Burma, (exclusive of the Town of Rangoon) for the year 1872.

Class of Registery Office.	Number of Officers.	Number of Deeds Registered.															Amount of fees received.	Actual cost of Registry Office.
		Obligation for payment of money not secured on real property.				Order personal contracts.	Receipts & other acquittances.		Leases.		Deeds of Sale or mortgage of real property of value not exceeding Rs. 100.	Deeds of gift of real property.	Deeds or sale or mortgage of same when value exceeds Rs. 10).	Deeds affecting real property not not included in above.	Wills.	Authorities to adopt.		
		Not exceeding Rs. 20.	Not exceeding Rs. 200.	Not exceeding Rs. 5 000.	Exceeding Rs. 5,000.		Not affecting real property.	Affecting real property.	For terms not exceeding one year.	For terms exceeding one year.								
Arakan Division	3	...	3	4	...	30	...	...	...	...	24	1	186	7	...	2	547-8	324-7-10
Pegu Division	11	...	3	4	1	102	1	10	52	10	76	13	1,034	62	6	...	3,562-6	1,786-0- 0
Tenasserim Division	7	...	17	43	11	91	6	...	...	2	41	8	437	5	76	19	1,530-4	704-14 -0
Total...	21	...	23	51	12	223	7	10	52	12	141	22	1,657	74	82	21	5,640-2	2,815-5-10